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Government
Publications

ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Tenth and Eleventh Years of the Reign of
Her Majesty
QUEEN ELIZABETH II

Being the Third Session of the Twenty-Sixth
Legislature of Ontario

CONVENED ON THE 22ND DAY OF NOVEMBER, 1961, AND
PROROGUED ON THE 18TH DAY OF APRIL, 1962

HIS HONOUR JOHN KEILLER MACKAY
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER
1962

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PART I
PUBLIC ACTS

Chapters 1 to 142



ONTARIO

10-11 ELIZABETH II

CHAPTER 1

An Act to provide for the Establishment of the Agricultural Research Institute of Ontario

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director of Research" means the administrator of the Agricultural Research Institute of Ontario;
- (b) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (c) "Minister" means the Minister of Agriculture;
- (d) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science;
- (e) "Research Institute" means the Agricultural Research Institute of Ontario.

2.—(1) There shall be a research institute to be known as the "Agricultural Research Institute of Ontario" which shall be a body corporate and responsible to the Minister.

Agricultural
Research
Institute
of Ontario

(2) The Research Institute shall consist of not more than fifteen members appointed by the Lieutenant Governor in Council.

Composition
of Research
Institute

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 2 a chairman and a vice-chairman of the Research Institute.

Chairman,
vice-
chairman

Term of appointment (4) An appointment under subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration of term (5) When the term of a member of the Research Institute expires, he continues to be a member until his successor is appointed.

Quorum (6) A majority of the members of the Research Institute constitutes a quorum.

Absence of chairman (7) The vice-chairman shall, in the absence or disability of the chairman, possess and exercise the powers and duties of the chairman.

Remuneration (8) The members of the Research Institute shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Duties of Research Institute **3.** The duties and responsibilities of the Research Institute are,

- (a) to make rules governing its procedures;
- (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committee any of its duties and responsibilities;
- (c) to inquire into programmes of research in respect of agriculture, veterinary medicine and household science;
- (d) to select and recommend areas of research for the betterment of agriculture, veterinary medicine and household science; and
- (e) to stimulate interest in research as a means of developing in Ontario a high degree of efficiency in the production and marketing of agricultural products.

Property **4.—**(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, the Federated Colleges or any of them or any other institutions of the Department of Agriculture that are engaged in research, subject to any trust affecting the same, is vested in the Research Institute.

Moneys for research (2) The Research Institute may take by gift, grant, donation or bequest moneys for use in research.

(3) Moneys received by the Research Institute under sub-^{Idem} section 2 shall be held in trust by the Director of Research and shall be allocated for programmes of research in accordance with the terms, if any, of the gift, grant, donation or bequest.

5. Except with the approval of the Minister, the Research Institute shall not incur any liability or make any expenditure that is not provided for in the income for the Research Institute unless provided for by moneys appropriated therefor by the Legislature or for which funds otherwise have been furnished therefor.^{Expenditure}

6. The accounts of the Research Institute are subject to^{Audit of accounts} audit by the Provincial Auditor.

7. The Research Institute shall submit an annual report on^{Annual report} its affairs to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8. The Research Institute shall submit to the Minister^{Other reports} such reports on its financial affairs and the progress of its work as the Minister from time to time requires.

9.—(1) There shall be a Director of Research appointed by^{Director of Research} the Lieutenant Governor in Council who shall be the administrator of the business and affairs of the Research Institute.

(2) The duties and responsibilities of the Director of^{Duties of Director} Research are,

- (a) to co-ordinate programmes of research of the Research Institute with programmes in comparable areas of research by other institutions and organizations;
- (b) to select, develop and maintain research programmes in accordance with the needs of agriculture, veterinary medicine and household science in Ontario;
- (c) to maintain a balance of effort in research among various areas of research;
- (d) to inquire into the efficiency of programmes of research undertaken in conjunction with academic work at other institutions of learning and research in Ontario;
- (e) to establish the operational budgets of the Research Institute for programmes of research in agriculture, veterinary medicine and household science at the

Federated Colleges or any of them and at any other institutions of the Department of Agriculture that are engaged in research and at other institutions in Ontario where the facilities and personnel are available for such programmes; and

- (f) to determine matters of integration of research with the academic work of the Federated Colleges and other institutions of learning and research that are administered by the Department of Agriculture.

Idem

10. The Director of Research shall have supervision over every programme of research for which funds have been supplied by the Research Institute.

Estimates of expenditures

11. The Director of Research shall prepare and submit to the Minister an estimate of all expenditures required during the next ensuing year.

Comptroller

12.—(1) There shall be a Comptroller for the Research Institute who is responsible to the Director of Research.

Duties of Comptroller

(2) The Comptroller shall,

- (a) supervise the business affairs of the Research Institute;
- (b) prepare the budget for the Research Institute;
- (c) prepare such financial reports and statistical surveys as are required by the Director of Research or by the Minister; and
- (d) perform such other duties and functions as are assigned to him from time to time by the Director of Research or by the Research Institute.

Power to acquire patents, etc.

13. Subject to the approval of the Minister, the Research Institute may purchase or arrange for the use of any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire, any patents, interest in patents, licences or other rights conferring any exclusive or non-exclusive or limited right to make, use or sell any invention or inventions and to use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and possess, exercise and enjoy all the rights, powers and privileges that the owner of any invention or any rights in respect thereof or the owner of a patent or invention or of any rights thereunder may possess, exercise and enjoy.

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

15. This Act may be cited as *The Agricultural Research Institute of Ontario Act, 1961-62*. Short title

CHAPTER 2

**An Act to amend
The Agricultural Societies Act**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 11, s. 24,
subs. 1,
re-enacted

(1) Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature, except the moneys appropriated under sections 25 and 26, according to the following plan:

Payment
of grants

1. A newly-organized society, during the first three years of its existence, shall receive a grant each year equal to \$1 per member up to 300 members.
2. Where a society complies with subsection 3 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-half the sum expended by the society, as shown by the statement of its expenditures, for the display or competition, but in no case shall the grant be more than \$200 for a display or more than \$75 for a competition.
3. Where a society complies with subsections 1 and 2 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-third of the average amount expended by the society during the three preceding years for agricultural purposes, as shown in the statements forwarded to the Superintendent, but,

- i. societies in provisional judicial districts shall receive their grants on the basis of double the amount of other societies, and
- ii. no society shall in any year receive a grant in excess of \$1,500.

Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Agricultural Societies Amendment Act, 1961-62*.

CHAPTER 3

**An Act to amend
The Air Pollution Control Act**

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Air Pollution Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 12,
amended

2a. The Lieutenant Governor in Council may make regulations providing for the establishment of a committee to be known as The Air Pollution Advisory Committee. Advisory
committee

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Air Pollution Control Amendment Act, 1961-62*. Short title

CHAPTER 4

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949*, as amended by section 3 of *The Alcoholism Research Foundation Amendment Act, 1960-61*, is amended by striking out "ten" in the third line and inserting in lieu thereof "twenty", so that the section shall read as follows:

2. There shall be a body corporate to be known as the Alcoholism and Drug Addiction Research Foundation composed of not less than seven and not more than twenty members appointed by the Lieutenant Governor in Council.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62*.

CHAPTER 5

**An Act to provide for the Approval of
Impartial Referees and Arbitrators**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Board" means the Board of Supervisors ^{Interpre-}
of Approved Impartial Referees and Arbitrators. ^{tation}

2. There shall be a Board of Supervisors of Approved ^{Board}
Impartial Referees and Arbitrators composed of the Chief
Justice of the High Court and two other members to be
appointed by the Lieutenant Governor in Council.

3.—(1) The Board may issue its approval as an impartial ^{Approval}
referee and arbitrator to any person whom it deems suitable.

(2) In issuing its approval, the Board may restrict such ^{Idem}
approval to any subject-matter which it may specify.

4.—(1) A person who has been so approved may describe ^{Use of}
himself as an "Approved Impartial Referee and Arbitrator" and ^{A.I.R.A.}
may use the designation "A.I.R.A.", and a person who is not
so approved shall not so describe himself or use such designa-
tion nor shall he permit himself to be so described or designated.

(2) Every person who contravenes any of the provisions of ^{Offence}
subsection 1 is guilty of an offence and on summary conviction
is liable to a fine of not more than \$100.

5.—(1) The Board may, after a hearing which may be ^{Suspension,}
either public or *in camera* as it deems proper, suspend or re- ^{etc.}
voke its approval.

(2) There shall be a verbatim record of every such hearing. ^{Record}

(3) Where the Board suspends or revokes its approval of ^{Appeal}
any person, such person may appeal to the Court of Appeal,
and, if the Court of Appeal finds, upon the record or upon
other evidence admitted by its special leave, that there has

been

been a denial of natural justice occasioned by the action of the Board, the court may make such order as it deems fit, and all the processes of the Supreme Court shall be available for the enforcement thereof.

Regulations **6.** Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the form of and governing the procedure for applications for approval;
- (b) providing for the issue and surrender of certificates of approval;
- (c) prescribing the fees payable upon applications for approval;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Expenses
and
income**

7. The expenses involved in the administration of this Act shall be paid out of the moneys that are appropriated therefor by the Legislature and any income of the Board shall form part of the Consolidated Revenue Fund.

**Commence-
ment**

8. This Act comes into force on a day after the 1st day of April, 1963, to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Approved Impartial Referees and Arbitrators Act, 1961-62*.

CHAPTER 6

An Act to amend The Assessment Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61*, is further amended by inserting after "43" in the first line "and except as otherwise provided in this or any other Act", so that the paragraph shall read as follows:

9. Subject to section 43 and except as otherwise provided in this or any other Act, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee.

2.—(1) Paragraph 9 of subsection 1 of section 20 of *The Assessment Act* is amended by adding at the end thereof "unless the wife or husband does not reside in or within five miles of the municipality", so that the paragraph shall read as follows:

9. The assessor shall also enter on the roll, bracketed with the name of the owner or tenant, the name of the husband or wife, as the case may be, of such owner or tenant who is entitled to be a municipal elector under *The Municipal Act* unless the wife or husband does not reside in or within five miles of the municipality.

(2) Column 24 of subsection 2 of the said section 20 is repealed and the following substituted therefor:

Column 24.

Column 24. Vacation resort assessment (include value of both land and buildings used as hotels for summer use, ski and hunting lodges, etc., but not summer cottages).

R.S.O. 1960,
c. 23, s. 27,
subs. 1,
amended

3. Subsection 1 of section 27 of *The Assessment Act* is amended by inserting after "ratepayer" in the fifth line "or school board", so that the subsection shall read as follows:

School
support

- (1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer or school board may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

4.—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "whose principal occupation is farming" in the third line, so that the subsection shall read as follows:

Farm lands
and
buildings

- (3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1960,
c. 23, s. 35,
subs. 3a
(1960-61,
c. 4, s. 4,
subs. 2),
amended

(2) Subsection 3a of the said section 35, as enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the end thereof "unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner", so that the subsection shall read as follows:

(3a)

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner.

5. Section 43 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 43,
amended

- (14) The provisions of this Act with respect to the collection of taxes apply *mutatis mutandis* to the payments required to be made by a commission under this section. Collection
of payments

6. Section 72 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 72,
amended

- (23) For the purposes of this section, a school board shall be deemed to be a person assessed. School board
deemed
person
assessed

7. Subsection 1 of section 75 of *The Assessment Act* is amended by inserting after "corporation" in the second line "or a school board", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 75,
subs. 1,
amended

- (1) An appeal to the county judge lies, at the instance of the municipal corporation or a school board, or at the instance of the assessor or assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality, not only against a decision of the court of revision on an appeal to that court, but also against any omission, neglect or refusal of that court to hear or decide an appeal. Appeal lies
from
decision
or refusal
to decide

8. Subsection 1 of section 83 of *The Assessment Act* is amended by inserting after "corporation" in the first line "a school board", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 83,
subs. 1,
amended

- (1) The municipal corporation, a school board, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board. Appeals to
Municipal
Board

9. *The Assessment Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 23,
amended

County
assessor
appointed
local
assessor

93*b*.—(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor thereafter has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

Local munici-
palities
not to
employ
assessors

(2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the 31st day of December in that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

Application
of sec. 130
in local
municipali-
ties

(3) Where a by-law is passed in any year by the council of a county appointing a county assessor as assessor for one or more local municipalities, section 130 does not apply after the 31st day of December of that year in such a local municipality.

Staff

(4) The county assessor may employ such assistants and other staff for the performance of his additional duties by reason of his appointment as assessor for a local municipality under this section as may be authorized by the council of the county.

Costs

(5) Any additional cost incurred by the county by reason of the county assessor having been appointed assessor for a local municipality under this section shall be borne by such local municipality and, if he has been appointed assessor for more than one local municipality, shall be apportioned among such local municipalities in the ratio that the assessment of each of such local municipalities bears to the total assessment of all such local municipalities.

Application
of secs.
65*a*, 65*b*

(6) Where a by-law appointing a county assessor as assessor for one or more local municipalities is passed under this section, sections 65*a* and 65*b* apply *mutatis mutandis* to the local municipalities for which the county assessor is appointed assessor.

- (7) No by-law passed under this section appointing the county assessor as assessor for one or more local municipalities shall be repealed without the approval of the Minister. Repeal of by-law
- 93c. The Minister may make regulations providing for the payment of grants to counties that have passed a by-law appointing a county assessment commissioner under section 93a or appointing a county assessor as assessor for a local municipality under section 93b, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature. Grants
10. Subsections 2 and 3 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, are repealed. R.S.O. 1960, c. 23, s. 94, subss. 2, 3 (1960-61, c. 4, s. 15), repealed
11. Section 98 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 98, re-enacted
- 98.—(1) The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, subject to subsections 2 and 3, in order that the same may be assessed equally on the whole rateable property of the county, make the aggregate valuations of the municipalities as determined in the preceding year under section 94 the basis upon which the apportionment is made. Apportionment of county rates, how to be based
- (2) Where, in the year preceding the year in which an apportionment is made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by, Assessment equivalent of mining revenue payments to be added to aggregate valuations
- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1000; and
 - (b) dividing the product obtained under clause a by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses a, b and c of subsection 2 of section 294 of *The Municipal Act*; and R.S.O. 1960, c. 249
 - (c) increasing or decreasing the quotient obtained under clause b by the same percentage, if any, as the aggregate valuations of such

municipality made in that year were increased or decreased under subsection 1 of section 94,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

Valuations
on which
payments in
lieu of taxes
paid to be
added to
aggregate
valuations

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

R.S.O. 1960,
c. 23, s. 134,
subs. 2,
amended

12. Subsection 2 of section 134 of *The Assessment Act* is amended by striking out "June" in the fifth line and inserting in lieu thereof "April", so that the subsection shall read as follows:

Contents
of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer is not bound to receive any such statement after the 7th day of April in each year.

R.S.O. 1960,
c. 23, s. 150,
subs. 1
(1960-61,
c. 4, s. 19),
re-enacted

13. Subsection 1 of section 150 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Interest
on tax
arrears

- (1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding two-thirds of 1 per cent per month.

14. Subsection 1 of section 205 of *The Assessment Act* is amended by striking out “and to the Township of Barton in the County of Wentworth” in the eighth line. R.S.O. 1960
c. 23, s. 205,
subs. 1,
amended

15.—(1) This Act, except subsection 1 of section 2 and sections 4, 5 and 13, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1962. Idem

(3) Section 13 comes into force on the 1st day of July, 1962. Idem

(4) Subsection 1 of section 2 and section 5 come into force on the 1st day of January, 1963. Idem

16. This Act may be cited as *The Assessment Amendment Act, 1961-62*. Short title

CHAPTER 7

An Act to amend The Bailiffs Act, 1960-61

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Bailiffs Act, 1960-61* is repealed and the following substituted therefor: 1960-61,
c. 5, s. 4,
re-enacted

4. A bailiff may act as a bailiff in a county other than the county for which he is appointed if he first obtains the consent of a judge of the county court of the county in which he proposes to act. Consent of
county judge
for bailiff
to act

2.—(1) Subsection 2 of section 13 of *The Bailiffs Act, 1960-61* is amended by striking out “person bound by the bond” in the seventh line and inserting in lieu thereof “bailiff bonded”, so that the subsection shall read as follows: 1960-61,
c. 5, s. 13,
subs. 2,
amended

(2) The Treasurer may, Payment of
proceeds

(a) assign any bond forfeited under section 12 and transfer the collateral security, if any;

(b) pay over any money recovered under the bond; and

(c) pay over any money realized from the sale of the collateral security,

to any judgment creditor of the bailiff bonded for claims arising out of the circumstance under which the bond was forfeited, or to the Accountant of the Supreme Court in trust for any person who becomes such judgment creditor.

(2) Subsection 3 of the said section 13 is amended by striking out “the person bound by the bond” in the sixth line and inserting in lieu thereof “any person who made a payment under the bond”, so that the subsection shall read as follows: 1960-61,
c. 5, s. 13,
subs. 3,
amended

Idem

(3) Where a bond has been forfeited or cancelled and the Treasurer has not received notice in writing of any claim against the proceeds of the bond or such part as remains in the hands of the Treasurer within two years of the forfeiture or cancellation, the Treasurer may pay the proceeds or part remaining to any person who made a payment under the bond.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Bailiffs Amendment Act, 1961-62*.

CHAPTER 8

An Act to amend The Bees Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 19 of *The Bees Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 33, s. 19, subs. 1, re-enacted

- (1) No person in a place other than an urban municipality shall place or leave hives containing bees within thirty feet of a highway, dwelling or cultivated field. Location of hives

(2) The said section 19 is amended by adding thereto the following subsection: R.S.O. 1960, c. 33, s. 19, amended

- (3) No person in an urban municipality shall place or leave hives containing bees within 100 feet of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation. Location of hives in urban municipalities

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Bees Amendment Act*, Short title 1961-62.

CHAPTER 9

An Act to amend The Boundaries Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 38, s. 1, amended

(ha) "registrar" means the registrar of deeds for the registry division in which the land in respect of which an application is made is situate.

2. Section 3 of *The Boundaries Act* is repealed.

R.S.O. 1960, c. 38, s. 3, repealed

3. Sections 5, 6, 7, 8 and 9 of *The Boundaries Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 38, ss. 5-9, re-enacted

5.—(1) Where,

Application for confirmation of survey

- (a) an error appears in or a doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the boundaries confirmed under this Act may be made by,

- (d) the owner of the parcel;
- (e) the council of the municipality in which the parcel is situate;

(f)

- (f) the Minister of Highways;
 - (g) the Inspector of Legal Offices;
 - (h) the proper master of titles;
 - (i) the Surveyor General under *The Public Lands Act*;
 - (j) the Surveyor General under the *Canada Lands Surveys Act*; or
 - (k) with the consent of the owner of the parcel, an Ontario land surveyor.
- Payment of costs (2) An applicant under this section is liable *prima facie* to pay all costs, charges and expenses incurred by or in consequence of the application.
- Engagement of surveyor 6. Upon receipt of an application under section 5, the director may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.
- Where director may order survey *sua sponte* 7. The director of his own accord, upon finding any of the conditions prescribed in section 5 to exist in respect of any parcel, may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.
- Method of survey 8.—(1) The director may require any survey under this Act to be made in whole or in part as a block outline survey or as a complete survey.
- Instructions (2) The director may give such instructions to the surveyor as he considers necessary and the surveyor shall comply therewith.
- Deposit of plan and field notes
R.S.O. 1960, c. 390 (3) When a surveyor has completed the work to be done under this Act, he shall, notwithstanding *The Surveys Act*, deposit the plan and original field notes of the survey with the director.
- Costs of survey deemed costs within
R.S.O. 1960, c. 204 9. Where an application has been made by or on behalf of a municipal corporation under section 34 of *The Land Titles Act* to have an area of land in the municipality registered under that Act and
- (a) an application is made under clause *e* of subsection 1 of section 5 in respect of the same area of land; or

(b)

- (b) a surveyor has been engaged by the director under section 7 to make a survey and plan of the same area of land and the municipal council has been advised of and has not objected to the engagement,

the costs of and incidental to the preparation of the survey and plan shall be deemed to be costs of and incidental to the application under section 34 of *The Land Titles Act* for the purpose of subsection 3 of that section.

4. Subsection 1 of section 10 of *The Boundaries Act* is R.S.O. 1960, c. 38, s. 10, subs. 1, amended amended by striking out "section 9" in the second line and inserting in lieu thereof "subsection 3 of section 8".

5. Subsection 2 of section 12 of *The Boundaries Act* is R.S.O. 1960, c. 38, s. 12, subs. 2, re-enacted repealed and the following substituted therefor:

- (2) The director may order costs, either as between Costs party and party or as between solicitor and client, to be paid by or to any person who is a party to a proceeding under this Act, and may give directions as to the fund out of which such costs shall be paid, regard being had to subsection 2 of section 5.
- (3) Any person aggrieved by an order of the director Appeal made under subsection 2 may appeal to a judge of the Supreme Court who may annul or, with or without modification, confirm the order.
- (4) If a person disobeys an order of the director made Enforcement of order under subsection 2, the director may certify the disobedience to the Supreme Court, and thereupon, subject to the right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the court.
- (5) The amount of all costs, charges and expenses of Costs of trustee, etc. and incidental to an application properly incurred by a trustee, mortgagee or other person having a power of selling land shall be ascertained and declared by the director and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he is not liable to account in respect thereof.

Notice of
confirmation

- (6) Notice of the confirmation shall be published in *The Ontario Gazette* and given in such other manner and to such persons as the director deems proper.

R.S.O. 1960,
c. 38, s. 17,
re-enacted

6. Section 17 of *The Boundaries Act* is repealed and the following substituted therefor:

Registration
of plan

- 17.—(1) When a plan has been confirmed and certified under this Act, the director shall cause the plan or a copy thereof to be registered in the proper land titles or registry office.

Idem

- (2) Upon receipt of the plan or copy for registration, the proper master of titles or registrar shall register the plan and shall make an entry in red ink in the title register or abstract index for each parcel which adjoins a confirmed boundary or which is within or partly within a block outline survey or complete survey which has been confirmed, setting out the registration number of the plan, the date of registration, the number assigned to the plan by the director, the entry "Plan under *The Boundaries Act*", and a brief statement of the effect of the plan.

Effect of
registration

- (3) When a plan or copy thereof has been registered in accordance with this section, the plan supersedes all corresponding portions of all former registered plans and descriptions.

Subsequent
instruments
must
conform
to plan

- (4) Where a plan confirmed and certified under this Act has been registered, an instrument which affects any parcel that adjoins a confirmed boundary or that is within or partly within a block outline survey or complete survey which has been confirmed shall not be registered unless the instrument or the description of the land contained therein conforms and refers to the plan or unless, where the instrument is to be registered under *The Land Titles Act*, the director or, where the instrument is to be registered under *The Registry Act*, the Inspector of Legal Offices, under special circumstances, deems it proper to authorize the registration.

R.S.O. 1960,
c. 204, 348

R.S.O. 1960,
c. 38,
amended

7. *The Boundaries Act* is amended by adding thereto the following section:

Reduction
of fees

22. Where in the opinion of the director the fees payable on an application under this Act are unduly excessive, having regard to all the circumstances, the director may reduce the fees to such amount as he deems appropriate.

8. Section 9 of *The Boundaries Act*, as re-enacted by section 3 of this Act, applies in the case of every application made under section 34 of *The Land Titles Act* after the 1st day of January, 1962.

9. This Act comes into force on the day it receives Royal Assent.

10. This Act may be cited as *The Boundaries Amendment Act, 1961-62*.

CHAPTER 10

**An Act to repeal
The Building Trades Protection Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Building Trades Protection Act* is repealed. R.S.O. 1960,
c. 42,
repealed
- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
- 3.** This Act may be cited as *The Building Trades Protection Repeal Act, 1961-62*. Short title

CHAPTER 11

An Act to amend The Cancer Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Cancer Act* is amended by striking out "twelve" in the first line and inserting in lieu thereof "fourteen", by striking out "two" in the first line of clause *b* and inserting in lieu thereof "three" and by adding thereto the following clause:

R.S.O. 1960,
c. 45, s. 17,
subs. 1,
amended

- (h) one person representing the Board of Governors of the Toronto Wellesley Hospital,

so that the subsection shall read as follows:

- (1) The Institute shall consist of fourteen persons ^{Members} appointed by the Lieutenant Governor in Council, namely,
- (a) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
 - (b) three persons representing The Governors of the University of Toronto;
 - (c) one person representing the Board of Trustees of the Toronto General Hospital;
 - (d) one person representing the Board of Trustees of The Hospital for Sick Children;
 - (e) one person representing the governing body of St. Michael's Hospital;
 - (f) one person representing the Board of Governors of The Toronto Western Hospital;

(g)

(g) one person representing the Board of Governors of the Women's College Hospital;

(h) one person representing the Board of Governors of the Toronto Wellesley Hospital,

who shall hold office during pleasure.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Cancer Amendment Act, 1961-62*.

CHAPTER 12

An Act to amend The Cemeteries Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Cemeteries Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 47, s. 1,
amended

(la) "pre-need assurance fund" means the moneys set aside by the owner out of the amount received from the sale of cemetery supplies and cemetery services as defined by the regulations.

2. Subsection 1 of section 29 of *The Cemeteries Act* is amended by inserting after "of" in the first line "this section and", so that the subsection shall read as follows: R.S.O. 1960,
c. 47, s. 29,
subs. 1,
amended

(1) For the purposes of this section and sections 30 to 37, "owner" includes a trust company to which perpetual care funds have been paid. Interpre-
tation

3. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 47,
amended

37a.—(1) Every owner who sells cemetery supplies and cemetery services as defined by the regulations shall set aside such amount of the amount received by him as the regulations may prescribe as a pre-need assurance fund. Pre-need
assurance
funds

(2) Sections 27 to 37 apply *mutatis mutandis* to pre-need assurance funds. Idem

(3) The Minister or a person designated by him shall be deemed to be a person having an interest in the pre-need assurance funds. Idem

4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment

Idem (2) Sections 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **5.** This Act may be cited as *The Cemeteries Amendment Act, 1961-62.*

CHAPTER 13

An Act to amend The Certification of Titles Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 2,
re-enacted

2.—(1) The Attorney General may designate one or more barristers or solicitors as title examiners to whom the director of titles may refer applications under this Act for investigation and report. Title
examiners

(2) The director of titles may pay to a title examiner such portion of the fees received in respect of an application referred to such examiner as may be authorized by the Attorney General. Compensa-
tion

2. Section 7 of *The Certification of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 7,
amended

(2) A notice to be served under clause *c* of subsection 1 is sufficiently served if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of *The Land Titles Act* or section 45 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge, or assignment thereof, under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land. Sufficiency
of service

R.S.O. 1960,
cc. 204, 348

3. *The Certification of Titles Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 48,
amended

7a.—(1) The director of titles may request the registrar of deeds for the registry division in which the land described in an application is situate to deliver any Registrar
to deliver
required
instruments
to director

instrument

instrument appearing on the abstract or required in connection with an application under this Act that the director of titles desires to examine, and the registrar, upon payment of his proper fees, shall comply with the request.

Manner of
delivery

- (2) Where instruments are requested under subsection 1, they shall be delivered to the director of titles by registered mail.

Manner of
return

- (3) The director of titles shall return the instruments as soon as practicable by registered mail.

Registrar's
disburse-
ments

- (4) The director of titles shall reimburse the registrar for all postage paid by the registrar in complying with this section.

Inspection
of registry
office
records

- 7b. The director of titles or a member of the staff of his office may inspect any abstract index or registered instrument or other paper in a registry office in connection with an application under this Act without payment of a fee therefor.

R.S.O. 1960,
c. 48, s. 9,
subs. 4,
re-enacted

4. Subsection 4 of section 9 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Disposition
of
application

- (4) Notice of an appeal under this section shall be served upon the director of titles within the period of fifteen days mentioned in subsection 3, and, when that period has elapsed and no notice of appeal has been served upon the director of titles, or if an appeal has been taken and disposed of, the director of titles may issue a certificate of title or dismiss the application, as the case may be.

R.S.O. 1960,
c. 48, s. 13,
re-enacted

5. Section 13 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Effect of
certificate
of title

13. Upon registration under section 12, a certificate of title is conclusive as of the day, hour and minute named therein that the title of the owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given and done before the making of the certificate has been made, given and done in accordance with this Act.

6.—(1) Clause *c* of subsection 2 of section 14 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 14,
subs. 2, cl. c,
re-enacted

- (c) where all the land shown thereon was acquired by expropriation or on account of arrears of taxes by and is owned by a municipal corporation or by a local board as defined in *The Department of Municipal Affairs Act*. R.S.O. 1960,
c. 98

(2) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 14,
amended

- (3) Subsection 1 does not apply to, Idem

- (a) a plan of a survey under Part VIII of *The Surveys Act* or a predecessor thereof; or R.S.O. 1960,
c. 390

- (b) a plan of a survey under section 93 or 94 of *The Registry Act* or a predecessor thereof. R.S.O. 1960,
c. 348

7.—(1) Subsection 1 of section 15 of *The Certification of Titles Act* is amended by inserting after “fund” in the first line “to be known as The Certification of Titles Assurance Fund”, so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 1,
amended

- (1) An assurance fund, to be known as The Certification of Titles Assurance Fund, shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act. Certification
of Titles
Assurance
Fund

(2) Subsection 9 of the said section 15 is amended by striking out “Assurance Fund under *The Certification of Titles Act*” in the fourth and fifth lines and inserting in lieu thereof “The Certification of Titles Assurance Fund Account”, so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 9,
amended

- (9) The moneys payable under this section shall be paid into the Supreme Court with the privity of the accountant of the court and shall be placed to the credit of an account entitled “The Certification of Titles Assurance Fund Account” and, subject to subsection 10, shall be invested from time to time under the direction of the Finance Committee of the Supreme Court and such of the interest and income derived therefrom shall be credited to the same account as the Finance Committee of the Supreme Court from time to time determines. Money to
be paid
into court

R.S.O. 1960,
c. 48, s. 18,
amended

8. Section 18 of *The Certification of Titles Act* is amended by adding thereto the following clause:

(ga) prescribing the procedures to be followed by registrars of deeds with respect to matters under this Act.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Certification of Titles Amendment Act, 1961-62*.

CHAPTER 14

An Act to amend The Child Welfare Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 14 of section 17 of *The Child Welfare Act* is amended by adding at the end thereof “and the judge may terminate the order and make a further order under subsection 9 or take such other action under this section as he deems necessary in the interest of the welfare of the child”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 53, s. 17,
subs. 14,
amended

- (14) Where the judge has made an order under clause *a* of subsection 9, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under subsection 9 or take such other action under this section as he deems necessary in the interest of the welfare of the child.

Re-opening
of case
adjourned
sine die

(2) Subsection 16 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 53, s. 17,
subs. 16,
re-enacted

- (16) Subject to subsection 16*a*, where a judge has made an order under clause *c* of subsection 9, the society may, upon at least thirty days notice in writing to the Director, bring the case before a judge, and, if the judge is satisfied that the termination of the permanent commitment is in the best interest of the welfare of the child, he shall terminate the commitment.

Re-opening
of
permanent
commitment

- (16*a*) Where a judge has made an order under clause *c* of subsection 9 and the child is or becomes a patient in a hospital under *The Children's Mental Hospitals Act* or an institution, other than an examination unit, under *The Mental Hospitals Act*, the society shall bring the case before a judge, and, if the judge

R.S.O. 1960,
cc. 56, 236

is satisfied that the termination of the permanent commitment is in the best interest of the welfare of the child, he shall terminate the commitment.

R.S.O. 1960,
c. 53, s. 17,
subs. 21,
repealed

(3) Subsection 21 of the said section 17 is repealed.

R.S.O. 1960,
c. 53,
amended

2. *The Child Welfare Act* is amended by adding thereto the following section:

Presence of
child at
hearing

17a. The judge may order that the presence of a child at a hearing under this Part be dispensed with, where he deems it to be in the best interest of the child.

R.S.O. 1960,
c. 53, s. 29,
subs. 1,
re-enacted

3. Subsection 1 of section 29 of *The Child Welfare Act* is repealed and the following substituted therefor:

Appeal

(1) Any person, including a society or municipality, may with leave of a judge of the Supreme Court, within thirty days of the making of an order under this Part or, if so directed by the judge of the Supreme Court, within sixty days of the making of the order, appeal from the order to the Court of Appeal.

R.S.O. 1960,
c. 53,
amended

4. *The Child Welfare Act* is amended by adding thereto the following section:

Effect of
order of
court in
other
jurisdiction

40a.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act.

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act.

5.—(1) Subsection 5 of section 43 of *The Child Welfare Act* is amended by striking out “affiliation order” in the fourth, sixth and ninth lines and inserting in lieu thereof in each instance “order to enforce the agreement”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 53, s. 43,
subs. 5,
amended

- (5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

Default
under
agreement

- (2) Subsection 6 of the said section 43 is repealed.

R.S.O. 1960,
c. 53, s. 43,
subs. 6,
repealed

6. Section 44 of *The Child Welfare Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 53, s. 44,
amended

- (2) Where an application for an affiliation order is made under subsection 1, the agreement made under subsection 1 of section 43 is admissible in evidence as *prima facie* proof that the putative father is in fact the father of the child.

Proof of
paternity

7. Subsection 1 of section 57 of *The Child Welfare Act* is amended by striking out “thirty” in the first line and inserting in lieu thereof “sixty”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 53, s. 57,
subs. 1,
amended

- (1) Within sixty days of the making of an order under this Part, any person may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court.

Appeal

8. Section 64 of *The Child Welfare Act* is amended by striking out “domiciled in Canada and” in the third and fourth lines, so that the section shall read as follows:

R.S.O. 1960,
c. 53, s. 64,
amended

64. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario.

Where
order may
be made

R.S.O. 1960,
c. 53, s. 66,
subs. 1,
amended

9. Subsection 1 of section 66 of *The Child Welfare Act* is amended by inserting after "consent" in the third line "given after the child was seven days old" and by adding at the end thereof "but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect", so that the subsection shall read as follows:

Consent,
where child
born in
wedlock

- (1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect.

R.S.O. 1960,
c. 53, s. 68,
subs. 1,
amended

10. Subsection 1 of section 68 of *The Child Welfare Act* is amended by adding at the end thereof "and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order", so that the subsection shall read as follows:

Director's
certificate

- (1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,
 - (a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justify the making of the order; or
 - (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order.

11. Section 73 of *The Child Welfare Act* is amended by R.S.O. 1960, striking out “ten” in the first line and inserting in lieu thereof ^{c. 53, s. 73,} amended “thirty”; so that the section, exclusive of the clauses, shall read as follows:

73. Within thirty days after the making of an adoption ^{Transmission} order, the proper officer of the court shall cause to ^{of order} be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

.

12. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

13. This Act may be cited as *The Child Welfare Amend-* ^{Short title} *ment Act, 1961-62.*

CHAPTER 15

The College of Art Act, 1961-62

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "College" means the Ontario College of Art;
- (b) "Council" means the Council of the Ontario College of Art;
- (c) "Minister" means the Minister of Education. R.S.O. 1937, c. 377, s. 1; 1949, c. 12, s. 1.

2.—(1) The Ontario College of Art is continued. R.S.O. College 1937, c. 377, s. 2, *amended*.

(2) The objects of the College are,

Objects

- (a) the training of students in the fine arts, including drawing, painting, designing, modelling and sculpture, and in all branches of the applied arts in the more artistic trades and manufactures; and
- (b) the training of teachers in the fine and applied arts. R.S.O. 1937, c. 377, s. 3.

3.—(1) The Council is continued as a body corporate and the members shall remain in office until the adjournment of the first annual meeting of the Council held after this Act comes into force. R.S.O. 1937, c. 377, s. 4, *amended*.

Council
continued**(2)** The Lieutenant Governor in Council shall,Appointment
of members

- (a) appoint five persons as members of the Council who shall assume office on the adjournment of the first annual meeting of the Council held after this Act comes into force;

(b)

(b) determine the term of office of each of such members so that one will retire at the close of the annual meeting in each succeeding year; and

(c) appoint members to succeed retiring members and fill vacancies that occur from any cause in such membership.

Idem

(3) Following the appointment of five members under clause *a* of subsection 2, the members of the Council in office on the day this Act comes into force, except any of such members who have been appointed under subsection 2, shall,

(a) appoint ten persons as members of the Council who shall assume office on the adjournment of the first annual meeting held after this Act comes into force; and

(b) determine the term of office of each of such members so that two of such members will retire at the close of the annual meeting in each succeeding year.

Idem

(4) The members of Council appointed under subsection 3 and their successors shall appoint members to succeed retiring members appointed under subsection 3 and fill vacancies that occur for any reason in such membership. 1949, c. 12, s. 2 (1), *amended*.

Principal and staff

4. The Council shall appoint a principal and staff for the College and shall determine their duties and fix their remuneration. R.S.O. 1937, c. 377, s. 12, *amended*.

Duties of principal

5. The principal of the College is the chief executive officer and, subject to the by-laws of the Council, controls the organization and management of the College. R.S.O. 1937, c. 377, s. 13.

Diplomas and certificates

6. Subject to the by-laws of the Council, the Council may confer upon students of the College the diploma of "Associate of the Ontario College of Art" and the right to affix the letters "A.O.C.A." after their names, and may issue such certificates of proficiency as are provided for in the by-laws of the Council. R.S.O. 1937, c. 377, s. 15.

Affiliation with university

7. The College may be affiliated with any university in the Province of Ontario where arrangements may be considered expedient for the use of common instruction and the granting of degrees. R.S.O. 1937, c. 377, s. 16, *amended*.

Arrangements with Department of Education

8. The Council may arrange with the Department of Education for courses and examinations for teachers of art and supervisors of art instructors in schools in Ontario. R.S.O. 1937, c. 377, s. 17.

9. The Council may purchase, acquire, take by gift, devise ^{Property} or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion requires. R.S.O. 1937, c. 377, s. 20.

10. Any municipal corporation may make grants in aid ^{Grants} of the College. R.S.O. 1937, c. 377, s. 19, *amended*.

11. The Council may pass by-laws,

^{By-laws}

- (a) subject to section 3, providing for the appointment by the Council of members of Council;
- (b) providing for the term of office of members appointed by Council and the filling of vacancies in such offices;
- (c) providing for the vacation of a seat of a member of Council for absence from meetings without authorization of Council;
- (d) providing for meetings of Council, and prescribing the quorum and who shall preside at such meetings;
- (e) providing for the election of officers;
- (f) prescribing the courses of study, examinations and the fees payable by students;
- (g) providing for the issue of certificates and regulating the awarding of diplomas and certificates;
- (h) providing for the establishment of scholarships;
- (i) providing for the exhibition of the work of students;
- (j) respecting any matter deemed necessary or advisable for the carrying on of the business and the objects of the College. R.S.O. 1937, c. 377, ss. 5 (2-5), 6-11, 18, *amended*.

12.—(1) The Council shall, after the close of each fiscal ^{Annual} year, file with the Minister of Education an annual report ^{report} upon the affairs of the College.

(2) The Minister shall submit the report to the Lieutenant ^{Tabling} Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. *New*.

R.S.O. 1937,
c. 377,
except s. 21;
1949, c. 12,
repealed

13. *The College of Art Act*, except section 21, and *The College of Art Amendment Act, 1949* are repealed.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The College of Art Act, 1961-62*.

CHAPTER 16

An Act to amend The Conservation Authorities Act

Assented to (except sec. 1 (2)) April 18th, 1962

Sec. 1 (2) assented to December 15th, 1961

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Conservation Authorities Act* is repealed. R.S.O. 1960,
c. 62, s. 1,
cl. *d*,
repealed

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 62, s. 1,
cl. *g*,
re-enacted

(*g*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. Subsection 7 of section 4 of *The Conservation Authorities Act* is repealed. R.S.O. 1960,
c. 62, s. 4,
subs. 7,
repealed

3. Section 9 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 62, s. 9,
re-enacted

9. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. Participating
municipi-
palities
following
annexation,
etc.

4. Subsection 2 of section 10 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 62, s. 10,
subs. 2,
re-enacted

(2) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and such population shall be

deemed

deemed to be the same proportion of the total population of the whole municipality as the number of acres in that part of the municipality is of the total acreage of the municipality.

R.S.O. 1960,
c. 62, s. 12,
subs. 1,
amended

5. Subsection 1 of section 12 of *The Conservation Authorities Act* is amended by striking out "where the Lieutenant Governor in Council makes a grant to an authority, he" in the fourth and fifth lines and inserting in lieu thereof "where a grant is made to an authority under section 42, the Lieutenant Governor in Council", so that the subsection shall read as follows:

Chairman,
vice-
chairman

- (1) At the first meeting of an authority and thereafter at the first meeting held in each calendar year, the authority shall elect a chairman and a vice-chairman from among themselves, but, where a grant is made to an authority under section 42, the Lieutenant Governor in Council may appoint the chairman.

R.S.O. 1960,
c. 62, s. 13,
subs. 1,
amended

6. Subsection 1 of section 13 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the first line, so that the subsection shall read as follows:

Appoint-
ment of
employees

- (1) An authority may appoint a secretary-treasurer and such other employees as it deems necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority.

R.S.O. 1960,
c. 62, s. 14,
subs. 2,
repealed

7. Subsection 2 of section 14 of *The Conservation Authorities Act* is repealed.

R.S.O. 1960,
c. 62, s. 17,
cl. c,
re-enacted

8. Clause *c* of section 17 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

- (c) to acquire by purchase, lease or otherwise and without the consent of the owner to enter upon, take or expropriate any land that it may require and, subject to the approval of the Lieutenant Governor in Council, to sell, lease or otherwise dispose of land acquired under this clause or under clause *i*.

R.S.O. 1960,
c. 62, s. 20,
subs. 1,
cl. d,
re-enacted

9. Clause *d* of subsection 1 of section 20 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

- (d) prohibiting or regulating the construction of any building or structure, or the placing or dumping of fill of any kind, in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream.

10.—(1) Clause *b* of section 21 of *The Conservation Authorities Act* is amended by striking out “chief officer and” in the first and second lines, so that the clause shall read as follows: R.S.O. 1960,
c. 62, s. 21,
cl. b,
amended

- (b) prescribing the powers and duties of the secretary-treasurer.

(2) Subclause *i* of clause *c* of the said section 21 is amended by striking out “chief officer and” in the first and second lines, so that the subclause shall read as follows: R.S.O. 1960,
c. 62, s. 21,
cl. c,
subcl. i,
amended

- (i) the termination of the services of the secretary-treasurer.

11. Subsection 1 of section 22 of *The Conservation Authorities Act* is amended by striking out “chief officer” in the first line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 62, s. 22,
subcl. 1,
amended

- (1) An authority may, itself or by its employees or agents for any purpose necessary to any scheme under consideration or undertaken by the authority, enter into and upon any land to whomsoever belonging and survey and take levels of it and make such borings or sink such trial pits as the authority deems necessary, and, subject to the approval of the Minister, for the purposes of any scheme may, Power to
enter on
lands, etc.

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12.—(1) Subsection 1 of section 24 of *The Conservation Authorities Act* is amended by striking out “and by the chief officer” in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 62, s. 24,
subs. 1,
amended

- (1) Where an authority desires to expropriate land, it shall cause a plan and description of the land, prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman, to be deposited in the proper registry or land titles office, and the land is thereupon vested in the authority. Plan to be
deposited in
registry or
land titles
office

(2) Subsection 4 of the said section 24 is amended by striking out “and the chief officer” in the third line, so that the subsection shall read as follows: R.S.O. 1960,
c. 62, s. 24,
subs. 4,
amended

- (4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman, are so deposited, they shall be deemed Deposit of
plan

to have been deposited by the direction of the authority and as indicating that the land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the authority.

R.S.O. 1960,
c. 62, s. 34,
subs. 1,
amended

13. Subsection 1 of section 34 of *The Conservation Authorities Act* is amended by striking out "and the chief officer" in the fourth and fifth lines, so that the subsection shall read as follows:

Affecting
Crown land

- (1) Where any land required for the carrying out of a scheme or part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman shall be deposited with the Minister of Lands and Forests, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Lands and Forests.

R.S.O. 1960,
c. 62, s. 37,
subs. 3,
amended

14. Subsection 3 of section 37 of *The Conservation Authorities Act* is amended by striking out "the chief officer of the authority" in the fourth and fifth lines and inserting in lieu thereof "a person appointed by the Minister", so that the subsection shall read as follows:

Determina-
tion of
compensa-
tion

- (3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, the amount shall be determined by a committee of three members comprising a person appointed by the Minister, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or, in the event that they are unable to agree, appointed by the Lieutenant Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there is no appeal from the committee, but, after ten annual payments of compensation, the amount of compensation shall be re-determined by a like committee at the request of either the authority or the Commission.

R.S.O. 1960,
c. 62, s. 38,
subs. 6,
amended

15. Subsection 6 of section 38 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Limited
benefit

- (6) Where the council of a participating municipality is of opinion that the major part of the benefit to be derived from a specific work accrues to a limited

area of the municipality, the council, with the approval of the Minister, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the remaining portion of the municipality within the area over which the authority has jurisdiction.

16. *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 62,
amended

41a.—(1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under *The Public Accountancy Act*. Annual
audit
R.S.O. 1960
c. 317

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his professional capacity. Auditor

(3) An authority shall, upon receipt of the auditor's report of his examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. Auditor's
report

17. Section 42 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 62, s. 42,
re-enacted

42. Grants may be made to any authority, out of moneys appropriated therefor by the Legislature, by the Lieutenant Governor in Council and by the Minister, provided that grants made to an authority by the Minister in any year for any one purpose shall not exceed \$10,000. Grants

18. This Act comes into force on the day it receives Royal Assent. Commence-
ment

19. This Act may be cited as *The Conservation Authorities Amendment Act, 1961-62*. Short title

CHAPTER 17

**An Act to amend
The Construction Hoists Act, 1960-61**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Construction Hoists Act, 1960-61* is ^{1960-61, c. 11, s. 6, amended} amended by striking out "an" in the second line and inserting in lieu thereof "the chief", so that the section shall read as follows:

6. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. ^{Power to examine persons under oath}

2. Subsection 1 of section 11 of *The Construction Hoists Act, 1960-61* is ^{1960-61, c. 11, s. 11, subs. 1, amended} amended by inserting after "hoist" in the second line "for hoisting or lowering workmen", so that the subsection shall read as follows:

- (1) No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering workmen until the drawings and specifications thereof have been approved in writing by an engineer of the Department. ^{Installation of man hoists}

3. *The Construction Hoists Act, 1960-61* is ^{1960-61, c. 11, amended} amended by adding thereto the following section:

- 11a. No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering materials until he has obtained permission in writing from the chief inspector. ^{Installation of material hoists}

1960-61,
c. 11, s. 12,
subs. 1,
re-enacted

4. Subsection 1 of section 12 of *The Construction Hoists Act, 1960-61* is repealed and the following substituted therefor:

Inspection
before
operation,
man hoists

(1) No construction hoist for hoisting or lowering workmen shall be put into operation after installation or major alteration until it has been inspected by an inspector.

Idem,
material
hoists

(1a) No construction hoist for hoisting or lowering materials shall be put into operation after installation or major alteration,

(a) until it has been inspected by an inspector; or

(b) unless the chief inspector,

(i) having received at least twenty-four hours advance notice of the time when and the place where the construction hoist is to be ready for inspection, and

(ii) is satisfied that the hoist has been installed or altered under the supervision of a competent person so that it will operate safely,

gives permission to temporarily operate the construction hoist until it is inspected by an inspector.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Construction Hoists Amendment Act, 1961-62*.

CHAPTER 18

An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair or Demolition of Buildings and Other Structures

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Labour;
- (b) "inspector" means a person appointed by the Lieutenant Governor in Council or by the council of a municipality for the purposes of this Act;
- (c) "local municipality" means a city, town, village, township or improvement district;
- (d) "municipality" means a county, city, town, village, township or improvement district;
- (e) "prescribed" means prescribed by the regulations;
- (f) "project" means a building or other structure, including the appurtenances thereto, that is being constructed, altered, repaired or demolished;
- (g) "regulations" means the regulations made under this Act;
- (h) "safety" means freedom from bodily injury or freedom from damage to health.

2. Subject to section 3, this Act and the regulations apply to every project, including any project of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*. ^{Where Act applies}

Where Act
does not
apply

3. This Act and the regulations do not apply to a project,

(a) while the work is being done solely by the owner in person;

R.S.O. 1960,
c. 241

(b) to which *The Mining Act* applies; or

(c) that is situate on a farm and that is to be used or is used only for farming purposes.

Appoint-
ment and
duties of
inspectors,
provincial

4. The Lieutenant Governor in Council shall appoint one or more persons as inspectors who shall,

(a) when requested, advise and assist municipal officials in the selection of suitable persons for appointment as municipal inspectors;

(b) when requested, instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and

(c) enforce this Act and the regulations in territory without municipal organization.

Appoint-
ment and
duties of
inspectors,
cities, etc.

5.—(1) The council,

(a) of every local municipality that has a population of more than 50,000 according to the last municipal census;

(b) of every city and every separated town;

(c) of every local municipality not mentioned in clause *a* or *b* that is in a territorial district; and

(d) of every area municipality in The Municipality of Metropolitan Toronto,

shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality.

Idem

(2) Every local municipality to which subsection 1 applies that is within a county for municipal purposes shall, for the purposes of this Act, cease to form part of the county for municipal purposes.

Appoint-
ment and
duties of
inspectors,
counties

6. The council of every county shall appoint one or more inspectors who shall enforce this Act and the regulations in the local municipalities that, for the purposes of this Act, form part of the county for municipal purposes.

7.—(1) The councils of two or more municipalities may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. Appointment and duties of inspectors, joint agreements

(2) Where a local municipality that enters into an agreement under subsection 1 is within a county for municipal purposes, it shall, for the purposes of this Act, upon notice to the county, cease to form part of the county for municipal purposes so long as the agreement is in effect. Idem

8. Any local municipality that forms part of a county for municipal purposes may, upon notice to the county, withdraw for the purposes of this Act from the county, and thereupon the council of the local municipality shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality. Appointment of inspectors, upon withdrawal from county

9. The notice mentioned in sections 7 and 8 shall be given at least three months before the end of a year and is effective on the 1st day of January of the year next following. Idem

10. When a municipal inspector is appointed or his appointment is terminated, the clerk of the municipality shall, within seven days thereafter, notify the Deputy Minister of the name and address of the inspector and the date of his appointment or the date of the termination of his appointment, as the case may be. Notification of appointment and termination

11.—(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be. Certificate of appointment

(2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested. Production of certificate

12. An inspector may enter any land or premises at any reasonable time for the purpose of carrying out any of his duties under this Act. Power of entry

13.—(1) An inspector for the purpose of carrying out his duties under this Act may require the production of the drawings and specifications of a project or any part thereof, and may inspect the same and may require information from any person concerning the same. Power to require information

(2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection 1, False information, etc.

tion 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector under subsection 1.

Obstructing **14.** No person shall obstruct an inspector in the exercise of his duties under this Act.

Duty of employer to facilitate inspections **15.** Every employer of workmen on a project and the workmen shall furnish all necessary means in his or their power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.

Annual reports by municipal inspectors **16.** Every municipal inspector, or, where there is more than one, the senior in appointment, shall prepare and submit to his council, or, where an agreement under section 7 is in effect, to the councils of the municipalities who are parties to the agreement, a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain,

- (a) the number of inspectors employed by the municipality;
- (b) the number of inspections made;
- (c) the number of informations laid for offences under this Act;
- (d) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (e) the number of persons fatally injured on projects and the causes of such fatalities;
- (f) the number of orders made under section 17 and the number of work stoppages ordered;
- (g) such other matters as are prescribed.

Stop-work orders **17.—(1)** Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof

specified

specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

(2) Where an inspector gives an order under subsection 1, ^{Posting of copy} he may affix a copy thereof to the project or any part thereof, and no person, except the inspector, shall remove such copy unless authorized by the inspector.

(3) Every person to whom an order is given and who fails ^{Penalty} to comply with it in accordance with its terms is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

18. Every employer of workmen on a project shall take ^{Duty of employers} every precaution that is reasonable in the circumstances to ensure their safety.

19. Every workman on a project who, ^{Offences by workmen}

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

20.—(1) Where a workman on a project is killed or is ^{Fatal accidents} seriously injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.

(2) Where a person on a project is killed or is seriously ^{Disturbance of wreckage} injured, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Municipal
by-laws,
conflict, etc.

21. Nothing in this Act affects any authority that a municipality has to pass by-laws relating to matters mentioned in this Act or the regulations or affects any such by-law in so far as the by-law imposes additional or more stringent requirements than those imposed by this Act or the regulations, and, in the event of conflict between any of the provisions of a by-law and any of the provisions of this Act and the regulations, this Act and the regulations prevail.

General
penalty

22. Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Disposition
of fines,
municipalities

23.—(1) Every fine collected for an offence under this Act that was committed in a municipality shall be paid over to the treasurer of the municipality whose inspector laid the information for the offence.

Idem,
unorganized
territory

(2) Every fine collected for an offence under this Act that was committed in territory without municipal organization shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Regulations

24.—(1) The Lieutenant Governor in Council may make such regulations as are considered necessary or advisable to ensure the safety of workmen on projects.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- (a)** defining any expression used in this Act or the regulations;
- (b)** prescribing standards of qualifications of inspectors;
- (c)** prescribing matters, in addition to those set out in section 16, that shall be included in the annual reports of municipal inspectors;
- (d)** requiring and prescribing the notices in one or more languages that shall be posted on projects by the owners thereof or the employers of workmen thereon;
- (e)** prescribing the records that shall be kept by employers;
- (f)** prescribing forms and providing for their use.

25. This Act comes into force on a day to be named by ^{Commence-}
the Lieutenant Governor by his proclamation. _{ment}

26. This Act may be cited as *The Construction Safety Act*, ^{Short title}
1961-62.

CHAPTER 19

An Act to amend The Co-operative Loans Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Co-operative Loans Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 67,
amended

11a. Where a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years applies to the Board for a loan or a guarantee of loan and the value of the real property of the co-operative association is less than 50 per cent of the value of the loan, the Lieutenant Governor in Council may extend the application of this Act to the co-operative association upon such terms as he deems proper, and in any such case the lease shall be deemed to be real property for the purposes of this Act. a Extension
of Act

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Co-operative Loans Amendment Act, 1961-62*. Short title

CHAPTER 20

An Act to amend The Coroners Act

Assented to (except sec. 1) December 15th, 1961

Sec. 1 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Coroners Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 69, s. 3,
amended

(5) The Municipality of Metropolitan Toronto shall be deemed to be a city for the purposes of this section. Metro
Toronto

2. Item 1 of Schedule D to *The Coroners Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 69,
Sched. D,
item 1,
re-enacted

1. For a *post mortem* examination, \$50.00, and, where an assistant has been engaged, an additional \$10.00.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Coroners Amendment Act*, Short title
1961-62.

CHAPTER 21

An Act to amend The Corporations Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 11, re-enacted

11. A corporation comes into existence on the date of the letters patent incorporating it. Commencement of existence

2. Subsection 7 of section 27 of *The Corporations Act* is amended by striking out "Except as provided in subsections 8 and 9" in the first line and by inserting after "shall" in the fifth line "except as provided in subsections 8 and 9", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 27, subs. 7, amended

(7) Where the preference shares of a class are made redeemable by the letters patent or supplementary letters patent and where at any time some but not all of such shares are to be redeemed, the shares to be redeemed shall, except as provided in subsections 8 and 9, be selected by lot in such manner as the board of directors determines or as nearly as may be in proportion to the number of shares registered in the name of each shareholder. Redemption of part

3. Section 58 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 58, amended

(1a) The expression "property of the company" in subsection 1 and in every predecessor thereof includes and has included always both present and future property of the company. Interpretation

4. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 71, amended

323a.—(1) A corporation incorporated under the laws of Ontario may, if authorized by a special resolution, Transfer of Ontario corporations

by

by the Provincial Secretary and by the laws of any other jurisdiction in Canada, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction.

Notice

- (2) The corporation shall file with the Provincial Secretary a notice of the issue of the instrument of continuation and on and after the date of the filing of such instrument this Act ceases to apply to that corporation.

Application

- (3) This section applies only to a jurisdiction that has legislation in force that permits corporations incorporated under its laws to apply for an instrument of continuation under the laws of Ontario.

**Commence-
ment**

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Corporations Amendment Act, 1961-62*.

CHAPTER 22

**An Act to amend
The Corporations Information Act**

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations Information Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 72, s. 3,
amended

(5a) Every corporation to which subsection 1 applies shall file with the Provincial Secretary a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be. Changes in
board of
directors

(5b) Where preference shares of a class are redeemed or purchased for cancellation or converted into another class or classes of shares or into securities by a corporation with share capital to which subsection 1 applies, the corporation shall, within thirty days of the date on which the redemption, purchase or conversion is effected, file with the Provincial Secretary a notice setting out, Change in
authorized
capital

(a) the number of shares of the class redeemed or purchased for cancellation or converted;

(b) the number and class or classes of shares or securities into which the shares were converted; and

(c) the date on which the redemption, purchase or conversion was effected.

(5c) Every corporation to which subsection 1 applies, Representa-
tion in
Ontario

(a) that is incorporated under the law of Ontario, within thirty days after the 1st day of July,

1962, if its incorporation occurred before that day, or within thirty days after the date of its incorporation, if its incorporation occurred on or after that day;

R.S.O. 1960,
c. 71

- (b) that is not required to be licensed under Part IX of *The Corporations Act* and that has established its head or other office in Ontario or has commenced to carry on business or a part thereof in Ontario before the 1st day of July, 1962, within thirty days after that day, or that establishes its head or other office in Ontario or commences to carry on business or a part thereof in Ontario on or after that day, within thirty days after such establishment or commencement; or
- (c) that is required to be licensed under Part IX of *The Corporations Act*, subject to that Part and before it establishes its head or other office or commences to carry on business or a part thereof in Ontario,

shall file with the Provincial Secretary a power of attorney duly executed under the seal of the corporation appointing a person resident in Ontario, or a corporation having its head office in Ontario, to be the attorney and representative in Ontario of the corporation and the consent of the attorney to act as such, together with an affidavit or statutory declaration verifying the execution of the consent.

Idem

(5d) The power of attorney mentioned in subsection 5c shall,

- (a) include words expressly authorizing the attorney to act as such, and to sue and to be sued, plead and be impleaded in any court in Ontario, and generally on behalf of the corporation within Ontario to accept service of process and to receive all lawful notices and, for the purposes of the corporation, to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney; and
- (b) provide that, until due lawful notice of the appointment of another and subsequent attorney has been given to and accepted by the Provincial Secretary, service of process or of

papers

papers and notices upon the person or corporation mentioned in the original or other power last filed with the Provincial Secretary shall be accepted by the corporation as sufficient service.

2. This Act comes into force on the 1st day of July, 1962. Commence-
ment

3. This Act may be cited as *The Corporations Information* Short title
Amendment Act, 1961-62.

CHAPTER 23

An Act to amend The Corporations Tax Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960
c. 73, s. 1,
subs. 1,
par. 14,
re-enacted

14. "exempt income" means property received or acquired by a corporation in such circumstances that it is, by reason of any provision in Part III, not included in computing its income and includes amounts that are deductible under subsection 1 of section 40.

(2) Subsection 6 of the said section 1 is amended by striking out "and" at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following: R.S.O. 1960,
c. 73, s. 1,
subs. 6,
amended

- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provided that the right is not exercisable until the death of an individual designated therein, be deemed to have had the same position in relation to the control of the corporation as if he owned the shares; and
- (c) where a person owns shares in two or more corporations, he shall as shareholder of one of the corporations be deemed to be related to himself as shareholder of each of the other corporations.

2.—(1) Subsection 5 of section 2 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 2,
subs. 5,
re-enacted

Idem

- (5) An insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered or licensed to do business.

R.S.O. 1960,
c. 73, s. 2,
subs. 10,
re-enacted

- (2) Subsection 10 of the said section 2 is repealed and the following substituted therefor:

Idem

- (10) Where a corporation has no fixed place of business, it has a permanent establishment in the principal place where the corporation carries on business and in the place designated in its charter or by-laws as being its head office.

R.S.O. 1960,
c. 73, s. 4,
subs. 6, cl. i,
re-enacted

- 3.—**(1) Clause *i* of subsection 6 of section 4 of *The Corporations Tax Act* is repealed and the following substituted therefor:

- (i) gross revenue that arises from leasing land owned by the corporation in a province shall be attributable to the province where that land is situated.

R.S.O. 1960,
c. 73, s. 4,
amended

- (2) The said section 4 is amended by adding thereto the following subsection:

Corporations
in partner-
ship with
others

- (6a) For the purpose of subsections 5, 13, 28, 29, 30 and 31 of this section and the corresponding subsections of section 5, where part of the operations of a corporation are conducted jointly or in partnership with one or more other persons,

- (a) the gross revenue of the corporation for the fiscal year; and

- (b) the salaries and wages paid in the fiscal year by the corporation,

shall include, in respect of those operations, only that proportion of,

- (c) the total gross revenue of the joint operations or partnership for the fiscal year ending in the calendar year; and

- (d) the total salaries and wages paid jointly by the operators or partners in the fiscal year ending in the calendar year,

respectively,

respectively, that,

- (e) the share of the corporation of the profit or loss for the fiscal year from the joint operations or partnership,

is of,

- (f) the total profit or loss for the fiscal year from the joint operations or partnership.

(3) Subclause iii of clause e of subsection 37 of the said section 4 is amended by striking out "or" at the end of paragraph B, by adding "or" at the end of paragraph C and by adding thereto the following paragraph:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
cl. e,
subcl. iii,
amended

- (D) a gift to Her Majesty in right of Canada or a province or to a Canadian municipality.

(4) Subsection 37 of the said section 4 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
amended

- (ea) a corporation that was constituted exclusively for the purpose of carrying on or promoting scientific research, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not acquired control of any other corporation and that, during the fiscal year,

non-profit
corporation
for
scientific
research

- (i) did not carry on any business, and

- (ii) expended amounts in Canada each of which is,

- (A) an expenditure on scientific research directly undertaken by or on behalf of the corporation, or

- (B) a payment to an association, university, college or research institution, described in subclause ii or iii of clause a of subsection 1 of section 47, to be used for scientific research,

and the aggregate of which is not less than 90 per cent of the corporation's income for the fiscal year.

(5) Clause o of subsection 37 the said section 4 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
cl. o,
re-enacted

(o)

pension
corporations

- (o) a corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90 per cent of the income of which for the fiscal year was from sources in Canada;

idem

- (oa) in the case of a corporation referred to in clause o, less than 90 per cent but not less than 80 per cent of the income of which for its fiscal year commencing in 1960 was from sources in Canada, "90 per cent" in clause o shall, in respect of its application to fiscal years of that corporation commencing in 1961 and 1962, be read as "80 per cent"; and

idem

- (ob) in the case of a corporation referred to in clause o, less than 80 per cent of the income of which for its fiscal year commencing in 1960 was from sources in Canada, "90 per cent" in clause o shall, in respect of its application to the fiscal year of that corporation commencing in 1961, be read as "70 per cent" and, in respect of its application to the fiscal year of that corporation commencing in 1962, be read as "80 per cent".

R.S.O. 1960,
c. 73, s. 4,
subss. 40, 41,
re-enacted

- (6) Subsections 40 and 41 of the said section 4 are repealed and the following substituted therefor:

idem

- (40) For the purpose of clause *ea* of subsection 37,

- (a) a corporation is controlled by another corporation if more than 50 per cent of its issued share capital having full voting rights under all circumstances belongs to,

(i) the other corporation, or

(ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but a corporation shall be deemed not to have acquired control of a corporation if it has not purchased or otherwise acquired for a consideration any of the shares in the capital stock of that corporation; and

- (b) there shall be included in computing a corporation's income all gifts received by the corporation and all amounts contributed to the corporation to be used for scientific research.

(41) In computing the income of a corporation for the ^{Rules} purpose of determining whether it is described by clause *e* or *ea* of subsection 37 for a fiscal year,

(a) there may be deducted an amount not exceeding its income for the fiscal year preceding the taxation year without including or deducting any amount under this subsection; and

(b) there shall be included any amount that has been deducted under this subsection for the immediately preceding fiscal year.

.

(44) For the purpose of determining whether a corpora- ^{Election by new charitable corporation} tion has complied with the requirements of subclause iii of clause *e* or subclause ii of clause *ea* of subsection 37 for its first fiscal year after its incorporation, the whole or any part of amounts expended by it in the immediately subsequent fiscal year shall, if it so elects, be deemed to have been expended by it in the first fiscal year and not in the subsequent fiscal year.

(45) In computing the income of a corporation for the ^{Contributions to or under registered pension fund or plan not included} purpose of determining whether it is a corporation described in clause *o* of subsection 37 for a fiscal year, contributions to or under the fund or plan in connection with which or for the administration of which the corporation was incorporated shall not be included.

(7) Subsections 42 and 43 of the said section 4 are repealed. ^{R.S.O. 1960, c. 73, s. 4, subs. 42, 43, repealed}

4. Subsection 2 of section 6 of *The Corporations Tax Act* ^{R.S.O. 1960, c. 73, s. 6, subs. 2, re-enacted} is repealed and the following substituted therefor:

(2) Except as in this section otherwise provided, every ^{Special business tax} corporation not having a permanent establishment in Ontario but which merely holds assets in Ontario or which merely maintains in Ontario an office solely for the purchase of merchandise or which, being a corporation incorporated under the legislation of any jurisdiction other than Ontario, is required, in order to hold land in Ontario, to be licensed under *The Mortmain and Charitable Uses Act* and merely possesses such a licence or which, in order to have the right to carry on business in Ontario, is required to be licensed under Part IX ^{R.S.O. 1960, c. 246}

R.S.O. 1960,
c. 71

of *The Corporations Act* and merely holds a licence under that Part, shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of \$50.

Idem

- (2a) Except as in this section otherwise provided, every corporation not having a permanent establishment in Ontario but which carries on business in Ontario within the meaning of section 346 of *The Corporations Act* shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of one-tenth of 1 per cent calculated on the total amount of its gross sales made to or its gross revenue received from customers residing in Ontario provided that the tax imposed under this subsection shall not be less than \$5 or more than \$50.

R.S.O. 1960,
c. 73, s. 17,
amended

5. Section 17 of *The Corporations Tax Act* is amended by striking out "and" at the end of clause *g*, by adding "and" at the end of clause *h* and by adding thereto the following clause:

profit
sharing
plan

- (i) amounts received by a corporation in the fiscal year under a deferred profit sharing plan as provided by section 53a.

R.S.O. 1960,
c. 73, s. 18,
amended

6. Section 18 of *The Corporations Tax Act* is amended by adding thereto the following subsections:

Obligation
issued at a
discount

- (2) Where, in the case of a bond, debenture, bill, note, mortgage, hypothec or similar obligation issued after December 20, 1960, by a person exempt from tax under section 62 of the *Income Tax Act* (Canada), a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

R.S.C. 1952,
c. 148

- (a) the obligation was issued for an amount that is less than the principal amount thereof;
- (b) the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on,
- (i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or

(ii)

- (ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

is less than 5 per cent; and

- (c) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued, which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest such annual rate obtainable conditional upon the exercise of any such right, exceeds the annual rate determined under clause *b* by more than one-third thereof,

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of a corporation for the fiscal year in which it became the owner of the obligation if it is the first owner thereof and is a corporation that has a permanent establishment in Canada and if it is not a corporation that is exempt from tax under subsection 37 of section 4.

- (3) In subsection 2, "principal amount", in relation to any obligation, means the amount that, under the terms of the obligation or any agreement relating thereto, is the maximum amount or maximum aggregate amount, as the case may be, payable on account of the obligation by the issuer thereof, otherwise than as or on account of interest or as or on account of any premium payable by the issuer conditional upon the exercise by the issuer of a right to redeem the obligation before the maturity thereof.

- (4) Subsection 1 does not apply in any case where subsection 2 applies.

7.—(1) Subsection 1 of section 22 of *The Corporations Tax Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 73, s. 22,
subs. 1,
amended

(da)

certification
fee paid
to bank
R.S.C. 1952,
cc. 12, 232

(da) an amount payable by the corporation in the fiscal year as a fee to a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* (Canada) applies for the certification of a non-interest-bearing post-dated bill drawn by the corporation on the bank and payable not more than ninety days from the date of the certification;

sale
of bill

(db) where a bill described in clause da that was drawn by the corporation was sold by the corporation in the fiscal year, the amount, if any, by which the principal amount of the bill exceeds the consideration paid by the purchaser to the corporation for the bill so sold;

repayment
of loan by
shareholder

(dc) such part of any loan repaid by the corporation in the fiscal year as was required by the operation of subsection 2 of section 19, to be included in computing its income for a previous fiscal year, to the extent that the amount of the loan deemed to have been received by the corporation as a dividend was not deductible under section 40 from the income of the corporation for the year in which the dividend was deemed to have been so received, if it is established by subsequent events or otherwise that the repayment was not made as a part of a series of loans and repayments;

.

employer's
contribution
under
deferred
profit
sharing plan

(s) an amount paid by the corporation to a trustee under a deferred profit sharing plan as permitted by subsection 4 of section 53a.

R.S.O. 1960,
c. 73, s. 22,
amended

(2) The said section 22 is amended by adding thereto the following subsection:

Sale of
mortgage
included in
proceeds of
disposition

(15) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted, in computing the income of the corporation for the subsequent fiscal year, an amount equal to the lesser of,

(a) the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the

consideration

consideration paid by the purchaser to the corporation for the mortgage or hypothec; or

- (b) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property.

8. Subsection 1 of section 23 of *The Corporations Tax Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 73, s. 23,
subs. 1,
amended

- (g) an amount paid by a corporation to a trustee under a deferred profit sharing plan except as expressly permitted by section 53*a*;

Limitation re
employer's
contribution
under
deferred
profit
sharing plan

- (h) an amount paid by a corporation to a trustee under a profit sharing plan that is not,

Limitation
re
employer's
contribution
under profit
sharing plan

- (i) an employees profit sharing plan,

- (ii) a deferred profit sharing plan, or

- (iii) a registered pension fund or plan.

9.—(1) Subsection 1 of section 26 of *The Corporations Tax Act* is amended by striking out "money, rights or things" in the first line and inserting in lieu thereof "property".

R.S.O. 1960,
c. 73, s. 26,
subs. 1,
amended

(2) Subsection 2 of the said section 26 is amended by striking out "money, rights or things" in the second line and inserting in lieu thereof "property".

R.S.O. 1960,
c. 73, s. 26,
subs. 2,
amended

10. Subsection 6 of section 31 of *The Corporations Tax Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 73, s. 31,
subs. 6,
amended

- 9. Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the corporation has, in the fiscal year, sold to a person with whom it was dealing at arm's length, in consideration for an amount less than the principal amount of the mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the mortgage or hypothec.

R.S.O. 1960,
c. 73,
amended

11. *The Corporations Tax Act* is amended by adding thereto the following section:

Bond
conversion

36a. Where a corporation acquires a bond of a certain debtor and, in exchange, disposes of another bond of the same debtor, and

- (a) the terms on which the bond disposed of conferred the right on the corporation to make the exchange; and
- (b) the amount payable to the corporation on the maturity of the bond acquired is the same as the amount that would have been payable to the corporation on the maturity of the bond disposed of if that bond had been held by the corporation to maturity,

the purchase price of the bond so acquired and the sale price of the bond so disposed of shall be deemed to be,

- (c) the amount at which the bond disposed of was valued in the inventory of property of the corporation at the end of the last fiscal year of the corporation preceding its disposal; or
- (d) if it was not so valued, the purchase price paid by the corporation for the bond disposed of.

R.S.O. 1960,
c. 73, s. 37,
repealed

12. Section 37 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73, s. 38
(1960-61,
c. 14, s. 4),
re-enacted

13. Section 38 of *The Corporations Tax Act*, as re-enacted by section 4 of *The Corporations Tax Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Incorrect
valuation of
inventory

38. Where the property described in the inventory of a business at the commencement of a fiscal year has, according to the method adopted by the corporation for computing income from the business for that fiscal year, not been valued as required by subsection 1 of section 25, the property described therein at the commencement of that fiscal year shall, if the Treasurer so directs, be deemed to have been valued as required by subsection 1 of section 25, and, in any such case, the income of the corporation for that fiscal year shall be correspondingly increased.

14. Section 39 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 39,
amended

- (5) Paragraph 1 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under that paragraph in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. Application
of s. 39,
subs. 1,
par. 1

15. Section 42 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 42,
amended

- (3a) For the purpose of clause *c* of subsection 2, a corporation shall be deemed to have carried on an active financial, commercial or industrial business during a fiscal year unless the corporation having earned taxable income during such fiscal year was exempted from tax under Part I of the *Income Tax Act* (Canada) for that fiscal year because it was deemed to be a personal corporation as defined by subsection 1 of section 68 of the *Income Tax Act* (Canada) for the same fiscal year. Idem

R.S.C. 1952,
c. 148

16.—(1) Clause *a* of subsection 1 of section 47 of *The Corporations Tax Act* is amended by striking out “and” at the end of subclause iii and by adding thereto the following subclause: R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. *a*,
amended

- (iv) by payments to a corporation resident in Canada and exempt from tax on taxable income by clause *ea* of subsection 37 of section 4; and

.

(2) Subclause i of clause *b* of subsection 1 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. *b*,
subcl. i,
re-enacted

- (i) the expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year and any previous fiscal year ending after 1958 on scientific research relating to the business and directly undertaken by or on behalf of the corporation, or

.

(3) Subsection 2 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 2,
re-enacted

Limitation

- (2) Not more than 5 per cent of the taxable income of the corporation for the fiscal year preceding the taxation year may be deducted under clause *b* of subsection 1 unless the research program in respect of which the expenditures were made has been approved.

R.S.O. 1960,
c. 73, s. 52,
amended

17. Section 52 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Fiscal year
of trust

- (5) Where an employees profit sharing plan is accepted for registration by the Treasurer as a deferred profit sharing plan, the fiscal year of the trust governed by the employees profit sharing plan shall be deemed to have ended immediately before the plan is deemed to have become registered as a deferred profit sharing plan pursuant to subsection 2 of section 53*a*.

R.S.O. 1960,
c. 73,
amended

18. *The Corporations Tax Act* is amended by adding thereto the following section:

Interpre-
tation

53*a*.—(1) In this Act,

- (*a*) “deferred profit sharing plan” means a profit sharing plan accepted by the Treasurer for registration under this Act; and
- (*b*) “profit sharing plan” means an arrangement under which payments computed by reference to the profits of a corporation from its business or by reference to the profits from its business and the profits, if any, from the business of a person with whom the corporation does not deal at arm’s length are made by the corporation to a trustee in trust for the benefit of employees of that corporation or of any other person, whether or not payments are also made to the trustee by the employees.

Acceptance
of plan for
registration

- (2) The Treasurer shall be deemed to have accepted for registration as a deferred profit sharing plan under this Act every profit sharing plan that is deemed to be registered by the Minister of National Revenue for Canada as a deferred profit sharing plan under section 79C of the *Income Tax Act* (Canada), and such plan shall be deemed to have been registered by the Treasurer on the same date as it is deemed to be registered as a deferred profit sharing plan under subsection 4 of section 79C of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

- (3) The Treasurer shall be deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan as and when the Minister of National Revenue for Canada revokes it under subsection 13 of section 79C of the *Income Tax Act* (Canada). Revocation of registration R.S.C. 1952, c. 148
- (4) For a fiscal year during which a plan is a deferred profit sharing plan, the plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan. Deferred plan not employees profit sharing plan
- (5) No tax is payable under section 4 on the taxable income of the trust for a fiscal year during which, No tax while trust governed by plan
- (a) the trust was governed by a deferred profit sharing plan; and
 - (b) not less than 90 per cent of the income of the trust for the fiscal year was from sources in Canada, and for the purpose of this clause contributions to or under the plan shall not be included in computing the income of the trust.
- (6) There may be deducted in computing the income of a corporation for a fiscal year the aggregate of each amount paid by the corporation in the fiscal year, or within 120 days after the end of the fiscal year, to a trustee under a deferred profit sharing plan for the benefit of employees of the corporation who are beneficiaries under the plan, not exceeding, however, in respect of each individual employee in respect of whom the amounts so paid by the corporation were paid by it, an amount equal to the lesser of, Amount of corporation's contribution deductible
- (a) the aggregate of each amount so paid by the corporation in respect of that employee; or
 - (b) \$1,500, minus the amount, if any, deductible under clause *j* of subsection 1 of section 22 in respect of that employee in computing the income of the corporation for the fiscal year,
- to the extent that such amount was not deductible in computing the income of the corporation for a previous fiscal year.
- (7) Notwithstanding subsection 6, the amount that a corporation is entitled to deduct under subsection 6 in computing its income for a fiscal year shall be a Limitation on deduction

R.S.C. 1952,
c. 148

Appropriation of trust
by
corporation

neither more nor less than the amount that it deducts and is allowed as a deduction in computing its income for the same fiscal year under subsections 7 and 8 of section 79C of the *Income Tax Act* (Canada).

- (8) Where funds or property of a trust governed by a deferred profit sharing plan have been appropriated in any manner whatsoever to or for the benefit of a corporation that is,

- (a) an employer by whom payments are made in trust to a trustee under the plan; or
- (b) a corporation with whom that employer does not deal at arm's length,

otherwise than in payment of or on account of shares of the capital stock of either that employer or the corporation, as the case may be, purchased by the trust, the amount or value of the funds or property so appropriated shall be included in computing the income of the employer or the corporation, as the case may be, for the fiscal year in which the funds or property were so appropriated, unless such funds or property or an amount in lieu thereof equal to the amount or value of such funds or property were repaid to the trust within one year from the end of the fiscal year, and it is established by subsequent events or otherwise that the repayment was not made as part of a series of appropriations and repayments.

Rules
applicable
to revoked
plan

- (9) Where the Treasurer is deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan under subsection 3, the plan, hereinafter referred to as the "revoked plan", shall be deemed, for the purposes of this Act, not to be a deferred profit sharing plan, and, notwithstanding any other provision of this Act, the following rules shall apply:

- 1. Subsection 5 does not apply to exempt the trust governed by the plan from tax under section 4 upon the taxable income of the trust for a fiscal year in which, at any time therein, the trust was governed by the revoked plan.
- 2. No deduction shall be made by a corporation in computing its income for a fiscal year in respect of an amount paid by it under the plan at a time when it was a revoked plan.

3. There shall be included in computing the income of a corporation for a fiscal year the amount or value of any funds or property appropriated to or for the benefit of the corporation in the fiscal year that, by virtue of subsection 8, would have been so included if the revoked plan had been a deferred profit sharing plan at the time of the appropriation of the funds or property.
4. The revoked plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.

- (10) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall be deemed, for the purpose of clause *b* of subsection 1, to be an arrangement for payments "computed by reference to the profits of a corporation from its business".

19.—(1) Subsection 8 of section 57 of *The Corporations Tax Act* is amended, R.S.O. 1960,
c. 73, s. 57,
subs. 8,
amended

- (a) by inserting after "subsection" in the second line "and in subsection 8a";
- (b) by inserting after "subsection" in the ninth line "and in subsection 8a";
- (c) by striking out "or" at the end of clause *c*;
- (d) by adding "or" at the end of clause *d*; and
- (e) by adding thereto the following clause:

(da) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation where the predecessor corporation was at all times a subsidiary wholly-owned corporation subsidiary to the successor corporation.

(2) The said section 57 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 57,
amended

- (8a) In applying the provisions of subsection 8 to determine the amount that may be deducted by a successor corporation in computing its income under this Part Application
of subs. 8

for a fiscal year, where the predecessor corporation has paid an amount other than a rental or royalty to the government of Canada or of a province for,

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"; or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection 5, to any deduction in computing its income for a fiscal year in respect of the amount so paid, the property of the predecessor corporation was acquired by the successor corporation in the manner set out in subsection 8, and the successor corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in clause *a* or *b* surrender all the rights so acquired by the predecessor corporation including, in respect of a right of the kind described in clause *a*, all rights thereunder to any lease and all rights under any lease made thereunder without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under clause *e* of subsection 8.

R.S.O. 1960,
c. 73, s. 57,
subs. 9,
re-enacted

(3) Subsection 9 of the said section 57 is repealed and the following substituted therefor:

Processing
corporations

- (9) A reference in subsection 3, 5, 7 or 8 to a corporation, the principal business of which is mining or exploring for minerals, shall, for the purposes of this section and subsection 7 of section 55, be deemed to include a reference to a corporation, the principal business of which is,
 - (a) processing mineral ores for the purpose of recovering metals therefrom;
 - (b) a combination of,
 - (i) processing mineral ores for the purpose of recovering metals therefrom, and

(ii)

(ii) processing metals recovered from the ores so processed; or

(c) fabricating metals;

but, in making applicable this section and subsection 7 of section 55 to any such corporation, there shall be substituted,

(d) for the references, respectively, in subsections 3, 5, 7 and 8 to the years 1952, 1952, 1953, and 1954, a reference in each case to the year 1956; and

(e) for the reference in subsection 7 of section 55 to the year 1954, a reference to the year 1956.

20.—(1) Clause *d* of subsection 1 of section 60 of *The Corporations Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 60,
subs. 1,
clause *d*,
re-enacted

(d) where an amount has been included in computing the income of a corporation from its business for the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable,

(i) where the property sold is property other than land, until a day that is,

(A) more than two years after the day on which the property was sold, and

(B) after the end of the fiscal year, or

(ii) where the property sold is land, until a day that is after the end of the fiscal year,

there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and

.

(2) Subsection 5 of the said section 60 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 60,
subs. 5,
re-enacted

(5) Clause *c* of subsection 1 does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance

corporation,

Policy
reserves

R.S.C. 1952,
c. 148

corporation, shall, in computing its income from its insurance business for a fiscal year, deduct as policy reserves such amounts as are deducted by the corporation and allowed under subsection 5 of section 85B of the *Income Tax Act* (Canada) for the same fiscal year.

R.S.O. 1960,
c. 73, s. 62,
subs. 4,
repealed

21. Subsection 4 of section 62 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73,
s. 65, subs. 2,
par. 4, cl. b,
amended

22.—(1) Clause *b* of paragraph 4 of subsection 2 of section 65 of *The Corporations Tax Act*, as amended by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1960-1961*, is further amended by striking out “and” at the end of subclause ii, by adding “and” at the end of subclause iii and by adding thereto the following subclause:

- (iv) where depreciable property that is deemed by subsection 5 of section 47 to be of a separate prescribed class is acquired by the new corporation from a predecessor corporation, the property shall continue to be deemed to be of that same separate prescribed class.

R.S.O. 1960,
c. 73, s. 65,
subs. 2,
amended

(2) Subsection 2 of the said section 65, as amended by subsections 2, 3 and 4 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, is further amended by adding thereto the following paragraph:

Scientific
research

- 11. For the purpose of section 47, any expenditure of a capital nature on scientific research made by a predecessor corporation in its last fiscal year or a previous fiscal year that would have been deductible by the predecessor corporation by virtue of clause *b* of subsection 1 of section 47 in computing its income for its last fiscal year shall, to the extent such expenditure has not been deducted by the predecessor corporation, be deemed to have been an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first fiscal year.

R.S.O. 1960,
c. 73, s. 65,
subs. 3,
amended

(3) Subsection 3 of the said section 65, as amended by subsection 5 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, is further amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

- (*da*) fabricating metals.

R.S.O. 1960,
c. 73, s. 65,
amended

(4) The said section 65 is amended by adding thereto the following subsection:

- (4) In applying the provisions of subsection 3 to deter- ^{Idem}mine the amount that may be deducted by the new corporation in computing its income under this Part for a fiscal year, where a predecessor corporation has paid an amount other than a rental or royalty to the government of Canada or of a province for,

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"; or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection 5 of section 57, to any deduction in computing its income for a fiscal year in respect of the amount so paid, the property of the predecessor corporation was acquired by the new corporation and the new corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in clause *a* or *b*, surrender all the rights so acquired by the predecessor corporation, including, in respect of a right of the kind described in clause *a*, all rights thereunder to any lease and all rights under any lease made thereunder, without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under clause *e* of subsection 3.

23. Subsection 5 of section 9 of *The Corporations Tax* ^{1960-61,} *Amendment Act, 1960-61* is repealed and the following sub- ^{c. 14, s. 9,} ^{subs. 5,} ^{re-enacted}stituted therefor:

- (5) Sections 2, 4 and 6, subsections 3 and 4 of section 7 ^{Idem} and section 8 of this Act apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.
- (5a) Except as provided by subsection 6, section 1 of this ^{Idem} Act applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.

Application
of Act

24.—(1) Section 15 applies in respect of fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsection 4 of section 3 and subsection 1 of section 16 apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

Idem

(3) Subsections 40, 41 and 44 of section 4 of *The Corporations Tax Act*, as re-enacted by subsection 6 of section 3 of this Act, apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

Idem

(4) Section 6 applies in respect of fiscal years of corporations that end after the 20th day of December, 1960.

Idem

(5) Clause *o* of subsection 37 of section 4 of *The Corporations Tax Act*, as re-enacted by subsection 5 of section 3 of this Act, applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years, except as provided in clauses *oa* and *ob* of subsection 37 of the said section 4, as enacted by subsection 5 of section 3 of this Act.

Idem

(6) Sections 1 and 2, subsection 3 of section 3, sections 5, 7, 8, 9, 10, 11 and 14, subsections 2 and 3 of section 16 and sections 17, 18, 19, 20 and 22 apply in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.

Idem

(7) Subsection 45 of section 4 of *The Corporations Tax Act*, as enacted by subsection 6 of section 3 of this Act, applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.

Idem

(8) Subsections 1 and 2 of section 3 and sections 4 and 13 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.

Idem

(9) The provisions of subsections 42 and 43 of section 4 of *The Corporations Tax Act*, as repealed by subsection 7 of section 3 of this Act, section 37 of *The Corporations Tax Act*, as repealed by section 12 of this Act, and subsection 4 of section 62 of *The Corporations Tax Act*, as repealed by section 21 of this Act, apply in respect of fiscal years of corporations ending in 1957 to 1961 and in respect of no other fiscal years.

Commence-
ment

25.—(1) This Act, except section 23, comes into force on the day it receives Royal Assent.

(2) Section 23 shall be deemed to have come into force on *Idem* the 29th day of March, 1961.

26. This Act may be cited as *The Corporations Tax Amend- Short title ment Act, 1961-62.*

CHAPTER 24

An Act to amend The County Courts Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Courts Act* is amended by renumbering R.S.O. 1960, c. 76, amended section 1 as section 1a and by adding thereto the following amended section:

1. In this Act, "chief judge" means the Chief Judge Interpre- of the County and District Courts. tation

2. Sections 12, 13 and 14 of *The County Courts Act* are R.S.O. 1960, c. 76, ss. 12-14, re-enacted repealed and the following substituted therefor:

12. After first obtaining the approval of the chief judge, Different opening day for any sittings the judge of a county or district court may direct a different opening day for the sittings of such court from those provided in section 10 or 11, in which case the sittings shall be held in accordance with the direction.

13. Notwithstanding sections 10 and 11, the chief judge Non-jury sittings outside county town may direct that a non-jury sittings of any county or district court, in lieu of or in addition to the regular sittings, shall be held at such place in the county or district, as the case may be, as he determines, in which case such sittings shall be held at the place so determined.

14. Notice of any direction under section 12 or 13 shall Notice be posted or otherwise given as the chief judge may direct.

3. Section 16 of *The County Courts Act* is repealed. R.S.O. 1960, c. 76, s. 16, repealed

4. Section 18 of *The County Courts Act* is amended by R.S.O. 1960, c. 76, s. 18, amended striking out "Attorney General" in the seventh line of subsection 1 and in the first line of subsection 2 and inserting in lieu thereof in each instance "chief judge", so that the section shall read as follows:

Adjourn-
ment of
sittings

- 18.—(1) Where the judge who is to hold a sittings is unable to hold it at the time appointed, the sheriff or, in his absence, the deputy sheriff shall adjourn the court by proclamation to an hour on the following day to be named by him, and so from day to day until the judge is able to hold the court or until he receives other directions from the judge or from the chief judge.

Notice

- (2) The sheriff shall forthwith notify the chief judge of the adjournment.

R.S.O. 1960,
c. 76, s. 19,
subs. 1,
amended

5.—(1) Subsection 1 of section 19 of *The County Courts Act* is amended,

- (a) by striking out “\$1,200” in the second line of clause *a* and inserting in lieu thereof “\$3,000”;
- (b) by striking out “\$1,000” in the third line of clause *b* and inserting in lieu thereof “\$3,000”;
- (c) by striking out “\$1,000” in the second line and in the fourth line of clause *c* and inserting in lieu thereof in each instance “\$3,000”;
- (d) by striking out “\$1,000” in the third line of clause *d* and inserting in lieu thereof “\$3,000”;
- (e) by striking out “\$1,000” in the fourth line of clause *e* and inserting in lieu thereof “\$3,000”;
- (f) by striking out “\$1,000” in the fifth line of clause *f* and inserting in lieu thereof “\$3,000”;
- (g) by striking out “\$4,000” in the third line of clause *g* and inserting in lieu thereof “\$20,000”;
- (h) by striking out “\$1,000” in the fourth line of clause *h* and inserting in lieu thereof “\$3,000”;
- (i) by striking out “\$4,000” in the fifth line of clause *h* and inserting in lieu thereof “\$20,000”;
- (j) by striking out “\$1,000” in the third line of clause *i* and inserting in lieu thereof “\$3,000”; and
- (k) by striking out “\$1,000” in the fourth line of clause *j* and inserting in lieu thereof “\$3,000”.

R.S.O. 1960,
c. 76, s. 19,
subs. 2,
amended

(2) Subsection 2 of the said section 19 is amended by striking out “\$4,000” in the eighth line and in the ninth line and inserting in lieu thereof in each instance “\$20,000”.

6.—(1) Subsection 1 of section 35 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 35, subs. 1, re-enacted

(1) Where the judge before whom an action is tried, Rehearing either with or without a jury, dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the chief judge for an order directing that the action be reheard by such judge of a county or district court as he designates.

(1a) An order made under subsection 1 shall name the Idem place where the action shall be set down and reheard, and in making such order the chief judge may give such other directions as he deems fit.

(2) Subsections 3, 4, 5 and 6 of the said section 35 are R.S.O. 1960, c. 76, s. 35, subss. 3-6, repealed repealed.

(3) Subsection 7 of the said section 35 is amended by striking R.S.O. 1960, c. 76, s. 35, subs. 7, amended out “a judge of the Supreme Court” in the second and third lines and inserting in lieu thereof “the chief judge”, so that the subsection shall read as follows:

(7) No proceedings in the action shall thereafter be taken Further proceedings in the county court without the order of the chief judge after notice.

7. *The County Courts Act* is amended by adding thereto R.S.O. 1960, c. 76, amended the following section:

43a. In the case of any decision or order made in an action Further rights of appeal by a county or district court judge in respect of which an appeal is not provided in section 38, an appeal lies to a judge of the Supreme Court, and the practice and procedure governing appeals from the Master of the Supreme Court apply to every such appeal.

8. The increased jurisdiction provided in subsections 1 and 2 of section 19 of *The County Courts Act* by section 5 of this Application of increased jurisdiction Act applies to actions that are commenced after section 5 of this Act comes into force.

9. This Act comes into force on a day to be named by the Commencement Lieutenant Governor by his proclamation.

10. This Act may be cited as *The County Courts Amend-Short title ment Act, 1961-62.*

CHAPTER 25

An Act to amend The County Judges Act

Assented to (except secs. 2, 5 (2) and 8 (2)) April 18th, 1962
Secs. 2, 5 (2) and 8 (2) assented to March 30th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Judges Act* is amended by renumbering R.S.O. 1960, c. 77, section 1 as section 1*a* and by adding thereto the following amended section:

1. In addition to the judges otherwise provided for in this Act, a Chief Judge of the County and District Courts, herein referred to as the chief judge, may be appointed, and he shall have all the powers of a judge throughout Ontario.

2. Subsection 1 of section 3 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 3, as amended by section 1 of *The County Judges Amendment Act, 1960-61*, is amended by striking out "eight" in the amendment of 1960-61 and inserting in lieu thereof "fourteen", so that the subsection shall read as follows:

- (1) In addition to the judges mentioned in section 1 Additional judges and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding fourteen in number, may be appointed,
 - (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
 - (b) for the county and district courts of the counties and districts of Ontario.

3. Subsection 2 of section 4 of *The County Judges Act* is R.S.O. 1960, c. 77, s. 4, amended by adding at the commencement thereof "After the chief judge", so that the subsection shall read as follows: subs. 2, amended

- (2) After the chief judge, the judges and junior judges, Rank and precedence respectively, have rank and precedence among themselves according to seniority of appointment.

R.S.O. 1960,
c. 77, s. 5,
repealed

4. Section 5 of *The County Judges Act* is repealed.

R.S.O. 1960,
c. 77, s. 9,
subs. 1, cl. a,
re-enacted

5.—(1) Clause *a* of subsection 1 of section 9 of *The County Judges Act* is repealed and the following substituted therefor:

(a) to the chief judge, an allowance at the rate of \$5,000 per annum;

(aa) to the judge of the county court of the county of York, an allowance at the rate of \$2,500 per annum; and

.

R.S.O. 1960,
c. 77, s. 9,
amended

(2) The said section 9 is amended by adding thereto the following subsection:

Surrogate
allowance
for judges
at large

(9) In addition to the allowance provided in subsection 1, there shall be paid to every judge for the county and district courts of the counties and districts of Ontario an allowance of \$2,000 payable annually at the end of the year out of the Consolidated Revenue Fund.

R.S.O. 1960,
c. 77, s. 10,
re-enacted

6. Section 10 of *The County Judges Act* is repealed and the following substituted therefor:

Oath of
office

10. Every judge and junior judge shall take and subscribe the following oath before the chief judge or a judge designated by him:

I,, do swear that I will,
truly and faithfully, according to my skill and knowl-
edge, execute the several duties, powers and trusts of
judge of the Court of the
. of
So help me God.

R.S.O. 1960,
c. 77, s. 12,
re-enacted

7. Section 12 of *The County Judges Act* is repealed and the following substituted therefor:

Place of
hearing

12. The chief judge may empower the judge or a junior judge of a county or district court to hear and dispose of or otherwise deal with any matter depending in his court at any place either within or outside the county or district, as the case may be.

R.S.O. 1960,
c. 77, s. 13,
subs. 1-8,
re-enacted

8.—(1) Subsections 1, 2, 3, 4, 5, 6, 7 and 8 of section 13 of *The County Judges Act* are repealed and the following substituted therefor:

Court
reporters,
appoint-
ment

(1) The Lieutenant Governor in Council may appoint one or more court reporters for the local courts of any county or provisional judicial district, and,

where

where more than one is appointed for a county or provisional judicial district, the Lieutenant Governor in Council may designate one of them as the senior court reporter.

- (2) Every court reporter shall be under the direction of the judge or, in his absence, of the junior judge or judges of the county or district for the local court of which he is appointed, and, where a senior court reporter is designated, the other court reporter or reporters shall also be subject to the direction of the senior court reporter. ^{Direction}
- (3) Every court reporter is entitled to such remuneration as the Lieutenant Governor in Council prescribes. ^{Remuneration}
- (4) Every court reporter who is appointed at a salary is nevertheless entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment. ^{Fees for transcripts}
- (5) Where a court reporter is appointed at a salary and is expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the treasurer of the county. ^{Idem}
- (6) The Lieutenant Governor in Council may prescribe fees for court reporters. ^{Fees}
- (7) Every court reporter appointed at a salary for the local courts of a county shall be deemed an employee of the county for the purposes of *The Workmen's Compensation Act* and of any municipal plan of superannuation, group insurance or sick leave credit. ^{R.S.O. 1960, c. 437}
- (8) The local municipalities not forming part of a county for municipal purposes shall pay to the county such proper proportion of the cost of the court reporter or reporters appointed for the local courts of the county as is agreed upon or, failing agreement, as is determined by arbitration. ^{Contribution}

(2) The said section 13 is amended by adding thereto the following subsection: ^{R.S.O. 1960, c. 77, s. 13, amended}

- (11) Every shorthand writer shall be deemed to be an employee of the municipality that pays his salary for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance and any supplemental medical and surgical insurance. ^{Status}

R.S.O. 1960,
c. 77, s. 16,
re-enacted;
ss. 17-19,
repealed

9. Sections 16, 17, 18 and 19 of *The County Judges Act* are repealed and the following substituted therefor:

Chief judge
president

16.—(1) The chief judge shall be president of the county and district courts.

chambers

(2) The chief judge shall occupy chambers at Toronto.

absence,
etc.

(3) The chief judge may designate one of the other judges to act in his place for all purposes during his absence from the province or illness.

to supervise
arrangement
of sittings
of court

(4) To ensure the dispatch of business of the various courts, including chambers, that are presided over by the judges of the county and district courts, including the surrogate and division courts where it is customary for the county or district court judge to act as judge of the surrogate court and the division court, the chief judge shall have general supervisory powers over arranging the sittings of such courts, including chambers.

meetings of
judges

(5) For the purpose of arranging the sittings of the various courts and considering matters relating to the courts and the judges, the chief judge shall convene a meeting of the judges and junior judges of each county and district court district at least once in each year and shall preside thereat.

idem

(6) The chief judge and the judges and junior judges of the county and district court district shall discuss and consider the time and other requirements of the various courts in the county or district court district, having regard to the efficient administration of justice in Ontario, and shall make such arrangements as may be necessary or proper for the holding of such courts, including chambers, and the transaction of such business as are customarily held and transacted by the judges and junior judges of the county or district court district with power in the chief judge to make such re-adjustment or re-assignment as he deems necessary or proper from time to time.

rotation

(7) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

(a) the desirability of rotating the judges within each county and district court district; and

(b)

- (b) the greater volume of judicial work in certain of the counties and districts;

but no judge or junior judge shall be required to sit outside his county or district court district, as the case may be, without his consent.

- (8) For the purpose of considering any matter relating to the administration of justice in the county and district courts and other courts presided over by the county and district court judges, the chief judge shall assemble in Toronto once in every year all the judges and junior judges of the county and district courts and he shall preside over such meeting.

10.—(1) This Act, except sections 1, 3 and 4, subsection 1 of section 5, sections 6 and 7, subsection 1 of section 8 and section 9, comes into force on the day it receives Royal Assent.

(2) Sections 1, 3 and 4, subsection 1 of section 5, sections 6 and 7, subsection 1 of section 8 and section 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

11. This Act may be cited as *The County Judges Amendment Act, 1961-62*.

CHAPTER 26

An Act to amend The Crown Attorneys Act

Assented to (except sec. 2) December 15th, 1961

Sec. 2 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Crown Attorneys Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 82, s. 3,
re-enacted

3.—(1) The Lieutenant Governor in Council may appoint a Crown Attorney, a Deputy Crown Attorney and such assistant Crown attorneys as he deems necessary for The Municipality of Metropolitan Toronto and the County of York who shall be known respectively as the Crown Attorney, the Deputy Crown Attorney and the Assistant Crown Attorneys for Metropolitan Toronto and the County of York. Metropolitan
Toronto and
County
of York

(2) The Deputy Crown Attorney and the Assistant Crown Attorneys for Metropolitan Toronto and the County of York shall act under the direction of the Crown Attorney for Metropolitan Toronto and the County of York and when so acting shall have the like powers and perform the like duties as the Crown Attorney for Metropolitan Toronto and the County of York. Idem

2. Section 5 of *The Crown Attorneys Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 82, s. 5,
re-enacted

5. When a Crown attorney or an assistant Crown attorney is absent or ill or is unable to perform all his duties, the Deputy Attorney General may appoint a member of the Bar of Ontario to act *pro tem* as Crown attorney or assistant Crown attorney, as the case may be, during the period that the Crown attorney or assistant Crown attorney is absent or ill or is unable to perform all his duties. Pro tem
appoint-
ments

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Crown Attorneys Amendment Act, 1961-62*.

CHAPTER 27

An Act to amend The Crown Timber Act

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Crown Timber Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 83, s. 14,
amended

(1a) For the purpose of subsection 1, chips produced as a by-product of the manufacture of lumber shall be deemed to be manufactured into lumber. Lumber
chips
deemed
to be manu-
factured

2.—(1) Clause *a* of subsection 1 of section 25 of *The Crown Timber Act* is amended by striking out “together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan” in the sixth, seventh, eighth, ninth and tenth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 83, s. 25,
subs. 1,
cl. *a*,
amended

(a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year; and

.

(2) Subsection 4 of the said section 25 is repealed and the following substituted therefor: R.S.O. 1960,
c. 83, s. 25,
subs. 4,
re-enacted

(4) The Minister may enter into an agreement with a licensee for the promotion and maintenance of the productivity of the licensed area. Regeneration
agreements

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Crown Timber Amendment Act, 1961-62*. Short title

CHAPTER 28

An Act to amend The Dead Animal Disposal Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Dead Animal Disposal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 88, s. 3,
amended

(3) No person shall move a fallen animal before it has been killed. Idem

2. Subsection 3 of section 4 of *The Dead Animal Disposal Act* is amended by striking out "or store" in the first line and inserting in lieu thereof "store, offer for sale or sell", so that the subsection shall read as follows: R.S.O. 1960,
c. 88, s. 4,
subs. 3,
amended

(3) No person shall process, store, offer for sale or sell meat or products made therefrom for human consumption at a receiving plant or a rendering plant. Processing,
selling or
storing
meats

3. Section 5 of *The Dead Animal Disposal Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 88, s. 5,
amended

(2) The Commissioner may, after a hearing, refuse to issue a licence under subsection 1 for any reason that he deems proper. Refusal to
issue licence

(3) Any person to whom the Commissioner has refused to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued. Appeal

4. Section 6 of *The Dead Animal Disposal Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 88, s. 6,
amended

(aa) carries on his business in a manner that prevents any relationship between the ownership, manage-

ment or operation of his business and any business in respect of the slaughtering of animals or the processing or sale of meat for human consumption.

R.S.O. 1960,
c. 88, s. 10,
re-enacted

5. Section 10 of *The Dead Animal Disposal Act* is repealed and the following substituted therefor:

Offences

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 and for a subsequent offence to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months.

R.S.O. 1960,
c. 88, s. 11,
amended

6. Section 11 of *The Dead Animal Disposal Act* is amended by adding thereto the following clauses:

(ea) providing for the processing at a receiving plant or a rendering plant of meat obtained from dead animals and for the treatment of the meat for purposes of identification;

(eb) providing for the exemption from the regulations, or any part thereof, of any person or group of persons or any class or classes of meat.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1961-62*.

CHAPTER 29

An Act to amend The Dentistry Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Dentistry Act* is amended by striking out "in" in the first line and inserting in lieu thereof "is", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 22, subs. 3, amended

- (3) Where default is made in payment of the annual fee and such default continues for a period of one month, the licence of a member so in default lapses, but such licence may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$10 as is prescribed by by-law of the Board and such sum is recoverable in the same manner as the annual fee. Default in payment of fee

2. Subsection 1 of section 24 of *The Dentistry Act* is amended by inserting after "disgraceful" in the sixth and seventh lines "or improper", so that the subsection shall read as follows: R.S.O. 1960, c. 91, s. 24, subs. 1, amended

- (1) The Board may suspend or cancel the certificate of licence of a member of the College who has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect and such infamous, disgraceful or improper conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees, but this power shall not be exercised if the conviction is for a political offence committed out of Her Majesty's dominions, or for an offence that, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry. Suspension and cancellation of certificates

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Dentistry Amendment Act, 1961-62*.

CHAPTER 30

An Act to amalgamate the Department of Economics and Federal and Provincial Relations and the Department of Commerce and Development

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Economics and Development;
- (b) "Minister" means the Minister of Economics and Development.

2. The Department of Economics and Federal and Provincial Relations and the Department of Commerce and Development shall be amalgamated and shall continue as a department of the public service under the name of the Department of Economics and Development.

Departments
amalgamated

3. The Minister shall preside over and have charge of the Department.

Minister
to have
charge

4. The Department shall perform the functions heretofore performed by the Department of Economics and Federal and Provincial Relations and by the Department of Commerce and Development, except such of them as have been or are hereafter assigned to another department of the public service.

Functions

5. Notwithstanding the provisions of any other Act, the Lieutenant Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Assignment
of Acts

Reference
to Minister
in other
Acts

6. A reference in any Act to the Minister of Planning and Development or the Minister of Commerce and Development, except where inconsistent with the intent of the Act, shall be deemed to be a reference to the Minister of Economics and Development.

Repeal

7. The following Acts are repealed:

R.S.O. 1960,
c. 93

1. *The Department of Economics and Federal and Provincial Relations Act.*

1960-61,
c. 19

2. *The Department of Economics Amendment Act, 1960-61.*

1960-61,
c. 18

3. *The Department of Commerce and Development Act, 1960-61.*

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Department of Economics and Development Act, 1961-62.*

CHAPTER 31

**An Act to amend
The Department of Education Act**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Education Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 94, s. 1,
amended

(ca) "private school" means a school at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any day other than a school holiday for five or more pupils of compulsory school age, whether or not instruction is also provided for pupils of other ages, in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario or by an elementary or secondary school board or a board of education.

2. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 94,
amended

19.—(1) No private school shall be operated in Ontario after the 1st day of September, 1962, unless it is registered in accordance with this section. Registration
of private
schools

(2) Every private school shall be registered with the Department on or before the 1st day of September in the year 1962 and on or before the 1st day of September in each year thereafter. Time for
registration

(3) Application for registration shall be in such form and with such particulars as the Minister may require. Application

(4) Where a private school is operated in contravention of subsection 1, Offence to
operate
private
school
without
registration

(a)

- (a) all persons concerned in the management of such school are severally guilty of an offence and on summary conviction are liable; or
- (b) where the school is operated by a corporation, the corporation is guilty of an offence and on summary conviction is liable,

to a fine of not more than \$25 for every day such school is operated in contravention of subsection 1.

Return

- (5) The principal, headmaster or person in charge of a private school shall make a return to the Department furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Inspection
of school

- (6) The Minister may direct one or more school inspectors to inspect a private school, in which case each such inspector may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Inspection
on request

- (7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the qualifications of the teachers and the standard of instruction in the subjects of grades 11 and 12 of the course or courses leading to the secondary school graduation diploma and may determine and levy a fee for this service.

Offence for
false
statement

- (8) Every person who knowingly makes a false statement in an application for registration or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Department of Education Amendment Act, 1961-62*.

CHAPTER 32

An Act to amend The Department of Labour Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Labour Act* is amended by adding R.S.O. 1960,
c. 97,
amended thereto the following section:

- 9a.—(1) There shall be a council to be known as the Labour
Safety Council of Ontario consisting of three Safety
Council of
Ontario or more persons as the Lieutenant Governor in Council determines.
- (2) The Lieutenant Governor in Council shall appoint Appointment
of
members the members of the Labour Safety Council of Ontario and shall designate one of the members as chairman.
- (3) Where a vacancy occurs in the membership of the Vacancies Labour Safety Council of Ontario from any cause, it may be filled by the Lieutenant Governor in Council.
- (4) The members of the Labour Safety Council of Remunera-
tion Ontario may be paid remuneration and expenses at such rates as are determined by the Lieutenant Governor in Council, and the amounts thereof shall, until the 31st day of March, 1962, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.
- (5) It is the function of the Labour Safety Council of Function Ontario, upon the request of the Minister, to inquire into and advise him upon any matter respecting the safety of workers, and, without restricting the generality of the foregoing, to inquire into and advise him upon any of the laws respecting the safety of workers with a view to the improvement,

clarification

clarification or extension of the existing laws or the enactment of new laws, or to inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Department of Labour Amendment Act, 1961-62*.

CHAPTER 33

An Act to amend The Department of Municipal Affairs Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 98, s. 55,
amended

(6) When it appears to the Department that, by reason of the revision or alteration of an assessment roll in accordance with a decision or decisions of the court of revision, the county judge or the Board, the roll as so revised or altered is inequitable in respect of a substantial number of persons shown on the roll, the Department may order that the entire roll as revised or altered be set aside and direct a new assessment to be made by such person as it may designate. Where
revised roll
inequitable,
may be set
aside

(7) Where the Department directs a new assessment to be made, it shall also fix the time for the return of the new assessment roll, and the same rights of appeal as apply under *The Assessment Act* with respect to the assessment roll set aside apply with respect to such new roll, except that the dates specified in that Act for the hearing and determination of such appeals shall be extended for a period corresponding to the period of time between the return of the roll set aside and the return of the new roll. Time for
return of
new assess-
ment,
appeals
R.S.O. 1960,
c. 23

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1961-62*. Short title

CHAPTER 34

An Act to amend The Devolution of Estates Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 27 of *The Devolution of Estates Act* is ^{R.S.O. 1960, c. 106, s. 27, amended} amended by striking out “subsection 1 of section 6 of *The Legitimation Act*” in the first and second lines and inserting in lieu thereof “subsections 2 and 3”, so that subsection 1 of the said section shall read as follows:

(1) Subject to subsections 2 and 3, an illegitimate child ^{Effect of illegitimacy} or relative shall not share under any of the provisions of this Act.

(2) The said section 27 is further amended by adding ^{R.S.O. 1960, c. 106, s. 27, amended} thereto the following subsections:

(2) Where the mother of an illegitimate child dies ^{Intestacy of mother of illegitimate child} intestate as respects all or any of her real or personal property and does not leave any legitimate issue surviving her, the illegitimate child, or, if he is dead, his issue, is entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(3) Where an illegitimate child dies intestate in respect ^{Intestacy of illegitimate child} of all or any of his real or personal property, his mother, if surviving, is entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

2. Section 30 of *The Devolution of Estates Act* is amended ^{R.S.O. 1960, c. 106, s. 30, amended} by striking out “Subject to subsection 2 of section 6 of *The Legitimation Act* and” in the first and second lines.

3. This Act comes into force on the 1st day of July, 1962. ^{Commencement}

4. This Act may be cited as *The Devolution of Estates* ^{Short title} *Amendment Act, 1961-62.*

CHAPTER 35

An Act to amend The Division Courts Act

Assented to (except secs. 1-4, 8 and 9) December 15th, 1961

Secs. 1-4, 8 and 9 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 1 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 1, subs. 1, cl. *h*, re-enacted

(*h*) "judge" means,

(i) a division court judge appointed under this Act,

(ii) the judge or a junior judge of a county court.

2. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

11a. The Lieutenant Governor in Council may appoint division court judges. Appointment of judges by Lieut. Gov. in Council

3.—(1) Clause *a* of subsection 1 of section 54 of *The Division Courts Act* is amended by striking out "\$200" in the second line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *a*, amended

(2) Clause *b* of subsection 1 of the said section 54 is repealed. R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *b*, repealed

(3) Clause *c* of subsection 1 of the said section 54 is amended by striking out "\$200" in the fourth line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *c*, amended

(4) Clause *e* of subsection 1 of the said section 54 is amended by striking out "\$200" in the third line and inserting in lieu thereof "\$400". R.S.O. 1960, c. 110, s. 54, subs. 1, cl. *e*, amended

4. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1960, c. 110, amended

114a.—(1) Where the judge before whom an action is tried, either with or without a jury, dies before giving judgment, or having reserved his judgment

after

after having heard the evidence does not deliver judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

- Idem** (2) An order made under subsection 1 shall name the place where the action is to be reheard, and in making such order the chief judge may give such other directions as he deems fit.
- Further evidence** (3) No further evidence shall be received upon such rehearing except by leave of the court.
- Further proceedings** (4) No proceedings in the action shall thereafter be taken without the order of the chief judge after notice.
- Judgment on rehearing** (5) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read, and after argument by counsel the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the court clerk in accordance with his findings.
- Costs of rehearing** (6) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid.
- Appeal** (7) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial.

R.S.O. 1960,
c. 110, s. 156,
subs. 1,
amended

5.—(1) Subsection 1 of section 156 of *The Division Courts Act* is amended by striking out “one division court judgment remains” in the second line and inserting in lieu thereof “two division court judgments remain”, so that the subsection shall read as follows:

Application
for consol-
idation order

- (1) A judgment debtor against whom more than two division court judgments remain unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

R.S.O. 1960,
c. 110, s. 156,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 156 is repealed and the following substituted therefor:

Idem

- (3) Notice of the time and place of the hearing of the application shall be given by the judgment debtor to the creditors mentioned in clause *a* of subsection 2

by registered mail or personal service at least eight days before the day fixed for the hearing, and, upon the hearing, the judgment debtor shall file an affidavit setting forth that such creditors have been given such notice.

- (3a) Upon the application, the judge may make a consolidation order or dismiss the application. Disposition of application

(3) The said section 156 is amended by adding thereto the following subsection: R.S.O. 1960, c. 110, s. 156, amended

- (4a) Where the amounts ordered to be paid under subsection 4 have been varied because of extenuating or other special circumstances, such amounts shall not be less than 10 per cent of the average weekly income of the judgment debtor. Idem

6.—(1) Section 161 of *The Division Courts Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 110, s. 161, amended

- (2a) Where a consolidation order has been terminated under subsection 2, the clerk of the court shall notify, by mail, the judgment creditors named in the order of its termination. Notice of termination

(2) Subsection 3 of the said section 161 is amended by striking out “three months” in the third line and inserting in lieu thereof “one year”, so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 161, subs. 3, amended

- (3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of one year from the date of such termination. Stay for one year

7. Subsection 2 of section 163 of *The Division Courts Act* is amended by striking out “three” in the third line and inserting in lieu thereof “six”, so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 163, subs. 2, amended

- (2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid and the distribution thereof. Distribution

8. Section 214 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 214, re-enacted

Increased
jurisdiction
in districts

214.—(1) In any of the types of action in which a division court is given jurisdiction by section 54, the division courts in the provisional judicial districts have jurisdiction where the amount claimed does not exceed \$800.

Rules of
Practice
S.C.O.
to apply

(2) In every such action in which the amount claimed exceeds \$400, the rules relating to pleadings as from time to time contained in the Rules of Practice and Procedure of the Supreme Court apply *mutatis mutandis*, and a judge may in his absolute discretion make such order or direction as to production and discovery, including costs, as he sees fit.

Counsel

(3) A person, other than a barrister or solicitor, may not appear as agent for a party at the trial or hearing of an action brought under this section in which the amount claimed exceeds \$400.

Application
of increased
jurisdiction

9. The increased jurisdiction provided in subsection 1 of section 54 and section 214 of *The Division Courts Act* by sections 3 and 8 of this Act applies to actions that are commenced after sections 3 and 8 of this Act come into force.

Commence-
ment

10.—(1) This Act, except sections 1, 2, 3, 4, 8 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4, 8 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Division Courts Amendment Act, 1961-62*.

CHAPTER 36

**An Act to amend
The Drugless Practitioners Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 6 of *The Drugless Practitioners Act* is ^{R.S.O. 1960,} amended by adding at the end thereof "including the pro-^{c. 114, s. 6,} hibition or control of advertising by or on behalf of such ^{cl. d,} persons", so that the clause shall read as follows: ^{amended}

(*d*) prescribing the discipline and control of registered drugless practitioners, including the prohibition or control of advertising by or on behalf of such persons.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Drugless Practitioners* ^{Short title} *Amendment Act, 1961-62.*

CHAPTER 37

**An Act to assist in the Establishment and
Expansion of Social and Recreational
Centres for Elderly Persons**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Public Welfare;
- (b) "regulations" means the regulations made under this Act.

2. This Act does not apply to any institution, building or premises, or any part thereof, in respect of which a grant has been or may be made under any Act of the Legislature toward the cost of its erection, alteration, extension or acquisition.

3. The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,
c. 71

4.—(1) The Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to an approved corporation for the erection, alteration, extension or acquisition of a building or premises for use as a social and recreational centre for elderly persons of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the corporation, as computed in accordance with the regulations, but no payment shall be made unless the council of the municipality in which the building or premises is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of an amount equal to at least 20 per cent of the cost as so computed.

Paid out of
Consolidated
Revenue
Fund until
April 1, 1963

(2) A grant made under subsection 1 before the 1st day of April, 1963, shall be paid out of the Consolidated Revenue Fund.

Approval
of plans

5. Where an approved corporation applies for a grant under this Act, the site and plans of the building being erected, altered, purchased or otherwise acquired shall be approved by the Minister for the purpose of the grant.

Approval
of changes

6.—(1) No approved corporation that has been paid a grant under section 4 in respect of a social and recreational centre for elderly persons shall,

- (a) change its name or the name of the social and recreational centre; or
- (b) change the site or sell or otherwise dispose of any part of or structurally alter the social and recreational centre,

without the written approval of the Minister.

Approval
of by-laws

(2) No by-law of an approved corporation that affects a social and recreational centre for elderly persons in respect of which a grant has been paid under section 4 has force or effect until it is approved by the Minister in writing.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) governing applications for grants;
- (b) for the purpose of subsection 1 of section 4, prescribing,
 - (i) the manner of determining the amount of the grants payable thereunder, and
 - (ii) the components that may be included in and the manner of computing the cost to an approved corporation of erecting, altering, extending or acquiring buildings or premises;
- (c) prescribing the method, time and manner of the payment of grants;
- (d) prescribing the uses to which a social and recreational centre for elderly persons may be put and the rules governing the establishment and operation of such a centre;

(e)

- (e) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8. This Act shall be deemed to have come into force on the ^{Commence-}
1st day of January, 1962._{ment}

9. This Act may be cited as *The Elderly Persons' Social and* ^{Short title}
Recreational Centres Act, 1961-62.

CHAPTER 38

**An Act to amend
The Elevators and Lifts Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 8 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 119, s. 8,
cl. a,
re-enacted

(a) apply the Safety Code for Elevators, Dumb-waiters and Escalators (Second Edition) of the Canadian Standards Association, as approved by the Association in 1960, to new installations of elevators, dumb-waiters and escalators.

2. Section 9 of *The Elevators and Lifts Act* is amended by striking out "an" in the second line and inserting in lieu thereof "the chief", so that the section shall read as follows: R.S.O. 1960,
c. 119, s. 9,
amended

9. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. Power to
examine
persons
under oath

3. Subsection 1 of section 24 of *The Elevators and Lifts Act* is amended by striking out "\$500" in the fourth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows: R.S.O. 1960,
c. 119, s. 24,
subs. 1,
amended

(1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

R.S.O. 1960,
c. 119, s. 27,
subs. 1,
amended

4. Subsection 1 of section 27 of *The Elevators and Lifts Act* is amended by adding thereto the following clause:

(ka) making designated parts of the safety code referred to in section 8 not applicable to new installations of elevators, dumb-waiters or escalators.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1962.

Short title

6. This Act may be cited as *The Elevators and Lifts Amendment Act, 1961-62*.

CHAPTER 39

An Act to amend The Embalmers and Funeral Directors Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Embalmers and Funeral Directors Act* R.S.O. 1960, c. 120, s. 11, amended is amended by striking out "ship" in the first line and inserting in lieu thereof "transport" and by striking out "shipment" in the second line and inserting in lieu thereof "transportation", so that the section shall read as follows:

11. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a licensed embalmer. Transportation of body out of Ontario

2. Subsection 2 of section 16 of *The Embalmers and Funeral Directors Act* R.S.O. 1960, subs. 2, amended is amended by striking out "where at least four members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations" in the third, fourth and fifth lines and inserting in lieu thereof "for any of the causes prescribed by the regulations", so that the subsection shall read as follows:

- (2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person, for any of the causes prescribed by the regulations. Cancellation of licence or permit

3. *The Embalmers and Funeral Directors Act* is amended R.S.O. 1960, c. 120, amended by adding thereto the following section:

- 16a. The Board may, after a hearing, refuse to grant a certificate of qualification, licence or permit for any reason that the certificate, licence or permit, if granted, could be revoked or cancelled. Refusal to grant certificate, licence or permit

R.S.O. 1960,
c. 120, s. 18,
amended

4. Section 18 of *The Embalmers and Funeral Directors Act* is amended by inserting after "thereof" in the first line "or any person authorized by the Board", so that the section shall read as follows:

Power of
Board to
enter place
of business

18. The Board or any member thereof, or any person authorized by the Board, may enter and inspect at all reasonable times any place in which the business of a funeral director or an embalmer is carried on under this Act.

R.S.O. 1960,
c. 120, s. 23,
cls. *n*, *o*,
re-enacted

5. Clauses *n* and *o* of section 23 of *The Embalmers and Funeral Directors Act* are repealed and the following substituted therefor:

(*n*) governing the revocation, suspension or cancellation of certificates of qualification, licences and permits and prescribing the causes and procedure therefor;

(*o*) regulating or prohibiting advertising by or on behalf of embalmers and funeral directors.

Short title

6. This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1961-62*.

CHAPTER 40

An Act to amend The Energy Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 4 of section 1 of *The Energy Act* is amended by inserting after “installing” in the first line “removing”, so that the subparagraph shall read as follows: R.S.O. 1960, c. 122, s. 1, par. 4, subparagraph i, amended

- i. who carries on the business of installing, removing, repairing or servicing appliances, or

.

(2) Paragraph 5 of the said section 1 is repealed.

R.S.O. 1960, c. 122, s. 1, par. 5, repealed

(3) Paragraph 7 of the said section 1 is amended by inserting after “gas” in the first line “or fuel oil”, so that the paragraph shall read as follows: R.S.O. 1960, c. 122, s. 1, par. 7, amended

7. “distributor” means a person who supplies gas or fuel oil to a consumer, and “distribute” and “distribution” have corresponding meanings.

(4) Paragraph 22 of the said section 1 is amended by inserting after “well” in the second line “or unit”, so that the paragraph shall read as follows: R.S.O. 1960, c. 122, s. 1, par. 22, amended

22. “producer” means a person who has the right to remove gas or oil from a well or unit, and “produce” and “production” have corresponding meanings except when referring to documents or records.

(5) Paragraph 29 of the said section 1 is amended by inserting after “gas” in the fourth line “or fuel oil”, so that the paragraph shall read as follows: R.S.O. 1960, c. 122, s. 1, par. 29, amended

29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil or the transmission of a hydrocarbon or the manufacture of manufactured gas.

R.S.O. 1960,
c. 122, s. 5,
subs. 1, cl. c,
amended

- 2.—(1) Clause *c* of subsection 1 of section 5 of *The Energy Act* is amended by inserting after "gas" in the first line "or fuel oil", so that the clause shall read as follows:

(c) transmit or distribute gas or fuel oil; or

.

R.S.O. 1960,
c. 122, s. 5,
subs. 1, cl. d,
amended

- (2) Clause *d* of subsection 1 of the said section 5 is amended by inserting after "gas" in the first line "or fuel oil", so that the clause shall read as follows:

(d) transmit a hydrocarbon other than gas or fuel oil; or

.

R.S.O. 1960,
c. 122, s. 5,
subs. 3,
amended

- (3) Subsection 3 of the said section 5 is amended by striking out "other than for exploring the sub-surface structure" in the first and second lines, so that the subsection shall read as follows:

Permit to
bore or drill
a well

- (3) No person shall bore or drill a well unless he is the holder of a permit for such purpose.

R.S.O. 1960,
c. 122, s. 5,
amended

- (4) The said section 5 is amended by adding thereto the following subsection:

Storage
of gas

- (3b) No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under *The Ontario Energy Board Act*.

R.S.O. 1960,
c. 271

R.S.O. 1960,
c. 122, s. 5,
subs. 5,
re-enacted

- (5) Subsection 5 of the said section 5 is repealed and the following substituted therefor:

Gas
appliances

- (5) Subject to the regulations, no person shall buy, sell or install any appliance or any portable appliance or any appliance in a trailer or any other vehicle

where

where the appliance does not bear the label of an organization designated in the regulations or a label issued by the Minister.

(6) Subsection 10 of the said section 5 is amended by inserting after "gas" in the third line "or fuel oil", so that the subsection shall read as follows: R.S.O. 1960, c. 122, s. 5, subs. 10, amended

- (10) A distributor shall have free access, at all reasonable times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building, or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe. Idem

3.—(1) Paragraph 14 of subsection 1 of section 9 of *The Energy Act*, as amended by subsection 2 of section 3 of *The Energy Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 122, s. 9, subs. 1, par. 14, re-enacted

14. to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

(2) Paragraph 21 of subsection 1 of the said section 9 is repealed and the following substituted therefor: R.S.O. 1960, c. 122, s. 9, subs. 1, par. 21, re-enacted

21. designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon.

(3) Subsection 1 of the said section 9 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 122, s. 9, subs. 1, par. 36, amended

- 32a. authorizing the Minister to recover the cost of completing or removing works.

(4) Paragraph 36 of subsection 1 of the said section 9 is amended by inserting after "the" where it occurs the first time in the third line "leasing, exploration", so that the paragraph shall read as follows: R.S.O. 1960, c. 122, s. 9, subs. 1, par. 36, amended

36. requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas.

R.S.O. 1960,
c. 122, s. 10,
amended

4. Section 10 of *The Energy Act* is amended by adding at the end thereof "and 'corporation' includes a person, firm, partnership or syndicate", so that the section shall read as follows:

Interpre-
tation

10. In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons, and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal, and "corporation" includes a person, firm, partnership or syndicate.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Energy Amendment Act, 1961-62*.

CHAPTER 41

An Act to amend The Farm Products Marketing Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 137, s. 4,
subs. 1,
amended

(aa) after a hearing, prohibit a person engaged in marketing or processing a regulated product from terminating without just cause the purchase of the regulated product from a producer or prohibit a producer from terminating without just cause the sale of a regulated product to a person engaged in marketing or processing the regulated product.

2. Subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

7a. requiring any person who produces and processes a regulated product to furnish to the Board or the local board statements of the amounts of the regulated product processed and to pay to the local board or marketing agency, as the case may be, any licence fees payable by producers;

.

12a. providing for the regulating and the controlling of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Farm Products Marketing Amendment Act, 1961-62*. Short title

CHAPTER 42

**An Act respecting Ontario Agricultural College,
Ontario Veterinary College and
Macdonald Institute**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Regents of the Federated Colleges of the Department of Agriculture;
- (b) "college" means a college or other institution of learning under the administration of the Federated Colleges;
- (c) "dean" means the chief executive officer of a college;
- (d) "faculty" means the faculty of a college;
- (e) "Federated Colleges" means the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College, and the Macdonald Institute;
- (f) "Macdonald Institute" means the institution of learning established in conjunction with the Ontario Agricultural College for courses in household science;
- (g) "Minister" means the Minister of Agriculture;
- (h) "Ontario Agricultural College" means the institution of learning known as the "Ontario Agricultural College and Experimental Farm" established under *The Agricultural College Act*;

R.S.O. 1937,
c. 374

(i)

R.S.O. 1937,
c. 375

(i) "Ontario Veterinary College" means the institution of learning known as the "Ontario Veterinary College" established under *The Veterinary College Act*;

(j) "President" means the President of the Federated Colleges;

(k) "research" means research carried out and services provided in respect of agriculture, veterinary medicine and household science.

Ontario
Agricultural
College,
Ontario
Veterinary
College,
Macdonald
Institute

2. The Ontario Agricultural College, the Ontario Veterinary College and Macdonald Institute are continued and federated and recognized as colleges under the name of the Federated Colleges of the Department of Agriculture.

Board of
Regents

3.—(1) There shall be a board to be known as the "Board of Regents of the Federated Colleges of the Department of Agriculture" which shall be a body corporate and responsible to the Minister.

Composition
of Board

(2) The Board shall consist of not fewer than twelve members as follows:

1. The President.

2. The Deputy Minister of Agriculture.

3. The Deputy Provincial Treasurer.

4. The Chief Director of Education.

5. Such other persons as are appointed by the Lieutenant Governor in Council upon the recommendation of the Minister.

Chairman,
vice-
chairman

(3) The Lieutenant Governor in Council shall appoint from the persons appointed under paragraph 5 of subsection 2 a chairman and a vice-chairman of the Board.

Term of
appoint-
ment

(4) An appointment under paragraph 5 of subsection 2 shall be for a term of not more than three years but any person is eligible for re-appointment.

Expiration
of term

(5) When the term of a member of the Board expires, he continues to be a member until his successor is appointed.

Alternates

(6) The Lieutenant Governor in Council may appoint persons to act in the place of the Deputy Minister of Agriculture, the Deputy Treasurer of Ontario and the Chief Director of Education.

(7) The vice-chairman shall, in the absence or disability ^{Absence of chairman} of the chairman, possess and exercise the powers and perform the duties of the chairman.

(8) A majority of the members of the Board constitutes a ^{Quorum} quorum.

4. Subject to *The University of Toronto Act, 1947*, the ^{Affiliation with University of Toronto 1947, c. 112} Federated Colleges are affiliated with the University of Toronto for the purpose of enabling students of the Federated Colleges to obtain such university degrees and diplomas as the University of Toronto has authority to confer.

5. Except as to matters by this Act specifically assigned to ^{Duties of Board} the President's Council, the government, conduct, management and control of the Federated Colleges and of its property, revenues, expenditures, business and affairs, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Federated Colleges, including, without limiting the generality of the foregoing, power,

- (a) to make rules governing its procedures;
- (b) to appoint an executive committee and such other committees as it deems advisable and to delegate to any such committees any of its powers;
- (c) to nominate persons for the office of the President of the Federated Colleges and for the offices of the deans of the colleges;
- (d) to recommend for appointment, promotion or removal such faculty members and officers as it deems necessary or advisable for the proper conduct of the affairs of the Federated Colleges;
- (e) to examine the appropriations for buildings and other facilities and the administration for the Federated Colleges and to make recommendations for such expenditures as it deems advisable;
- (f) to make recommendations to the Minister for the establishment and maintenance of such colleges, faculties, departments, chairs, exhibitions, scholarships and prizes as are suggested by the President's Council or otherwise;
- (g) upon the recommendation of the President, to grant diplomas and certificates in courses of study not leading to a degree;

(h)

(h) to recommend to the Minister the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

- (i) tuition fees,
- (ii) library fees, laboratory fees and physical education fees,
- (iii) fees for examinations, degrees and certificates,
- (iv) room and board provided by the Federated Colleges, and
- (v) any other fees or emoluments for use of the facilities that the Board deems advisable;

(i) to perform such other functions as it deems advisable for the proper administration and advancement of the Federated Colleges not inconsistent with this Act or any Act of Ontario.

Expenditure **6.** Except with the approval of the Minister, the Board shall not incur any liability or make any expenditure that is not provided for in the income for the Federated Colleges.

Audit of accounts **7.** The accounts of the Board are subject to audit by the Provincial Auditor.

Annual report **8.** The Board shall submit an annual report on the affairs of the Federated Colleges to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports **9.** The Board shall submit to the Minister such reports on the financial affairs and the progress of the work of the Federated Colleges as the Minister from time to time requires.

Estimate of expenditures **10.** In each year, the Board shall prepare and submit to the Minister an estimate of all expenditures required during the next fiscal year.

President **11.—(1)** There shall be a President who shall be the chief executive officer of the Federated Colleges and shall be appointed by the Lieutenant Governor in Council.

Duties of President **(2)** The President shall generally supervise and direct the administration of the Federated Colleges and the personnel thereof.

(3) The President is responsible to the Board and shall ^{Idem} exercise such powers and perform such duties as are assigned to him by the Board and is *ex officio* a member of all committees established by the Board.

(4) The President shall make recommendations to the ^{Idem} Board respecting appointments, promotions and removals of the personnel of the Federated Colleges.

(5) The President shall report to the Board annually on ^{Idem} the progress and efficiency of the work of the Federated Colleges and shall report on any matter referred to him by the Board or the President's Council for the purpose.

(6) The President may make recommendations to the ^{Idem} Board on any matter affecting the operation of the Federated Colleges.

(7) The President may appoint a dean or a member of one ^{Alternate where President absent} of the faculties to carry out the duties of the President in his absence.

(8) Where the President is absent and a person has not ^{Idem} been appointed to act in his absence, the President's Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President.

(9) Where the office of President is vacant, the President's ^{Temporary appointment} Council shall appoint a dean or a member of one of the faculties to carry out the duties of the President until a President is appointed.

(10) A person appointed under subsection 7, 8 or 9 to ^{Powers of alternate or temporary appointee} carry out the duties of the President has and may exercise the powers of the President.

12.—(1) There shall be a President's Council consisting ^{President's Council} of the President and the deans of the colleges.

(2) The President is the chairman of the President's Council. ^{Chairman}

(3) The President's Council shall, ^{Duties of President's Council}

(a) make rules governing its procedures;

(b) appoint such committees as are deemed necessary for the effective operation of the President's Council;

(c) consider all recommendations and reports of the deans' councils;

(d)

- (d) fix and determine the time-tables for the lectures and other instruction at the Federated Colleges that affect more than one college;
- (e) where it deems it advisable, authorize persons other than members of the faculties to lecture and teach in the Federated Colleges;
- (f) determine by regulation or otherwise the college or colleges to which the control of any association or group within the Federated Colleges belongs;
- (g) determine matters concerning integration of research with the academic work of the Federated Colleges;
- (h) regulate the conduct and activities of the students of the Federated Colleges and may suspend or withhold diplomas, certificates or academic standing;
- (i) approve standards for courses at any college, authorize the establishment in any college of a course of study not leading to a degree and provide for granting of diplomas and certificates upon attainment of the standards.

Dean

13.—(1) There shall be a dean appointed for each college, who shall be the chief executive officer of the college to which he is appointed and, subject to the authority of the President, shall generally supervise and direct the work and the personnel of the college and shall have such other powers and perform such other duties as are assigned to him from time to time by the Board, the President's Council or the President.

Recommendations

(2) The dean shall make recommendations to the President in respect of appointments, promotions and removals of the personnel of the college.

Temporary appointment

(3) Where a dean is absent from the college, the President may appoint a member of the faculty of the college to carry out the duties of the dean during his absence.

Dean's council

14.—(1) At each college there shall be a dean's council consisting of the dean of the college, who shall act as chairman, and such members of the faculty of the college as the dean determines.

Duties of dean's council

- (2) The dean's council shall,
 - (a) fix the times and places of its meetings;

(b)

- (b) make rules and regulations for the governing of its procedures;
- (c) recommend to the President's Council the courses of study in the branch of learning for which the college is responsible;
- (d) recommend to the President's Council the examiners for the examinations in the college;
- (e) conduct and determine the results of the examinations in the college;
- (f) consider and report to the President's Council upon matters affecting the general welfare of the college and of other colleges; and
- (g) perform such other duties as are assigned to it from time to time by the Board or by the President.

15. There shall be a registrar for the Federated Colleges ^{Registrar} who shall act as the registrar for each of the colleges and is responsible to the President.

16. There shall be a librarian for the Federated Colleges ^{Librarian} who shall act as the librarian for each of the colleges and is responsible to the President.

17.—(1) There shall be a comptroller for the Federated ^{Comptroller} Colleges who shall act as the comptroller for each of the colleges and is responsible to the President in respect of the administration of the Federated Colleges.

(2) The comptroller shall,

<sup>Duties of
comptroller</sup>

- (a) supervise the business affairs of the Federated Colleges;
- (b) prepare the budget for the Federated Colleges, showing the amounts of revenues and expenditures for the general administration of the Federated Colleges and for each of the colleges;
- (c) supervise the acquisition of property, equipment or supplies, the construction of buildings or facilities and the maintenance of facilities at the Federated Colleges;
- (d) prepare such financial reports and statistical surveys as are required from time to time by the President or by the Board;

(e)

- (e) perform such other duties and functions as are assigned to him from time to time by the President or by the Board.

Property **18.** All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes other than for research to, or to any person in trust for, the Federated Colleges or any of them, subject to any trust affecting the same, is vested in the Board.

Regulations **19.** The Lieutenant Governor in Council may make regulations providing for the payment of expenses of the members of the Board and fixing the amounts to be paid by undergraduate and graduate students of the Federated Colleges for,

- (a) tuition fees;
- (b) library fees, laboratory fees and physical education fees;
- (c) fees for examinations, degrees and certificates;
- (d) room and board provided by the Federated Colleges; and
- (e) any other fees or emoluments for use of the facilities that the Board deems advisable.

Repeal: **20.** The following are repealed:

- R.S.O. 1937,
c. 374 1. *The Agricultural College Act*, being chapter 374 of the Revised Statutes of Ontario, 1937.
- 1952, c. 2 2. *The Agricultural College Amendment Act, 1952.*
- R.S.O. 1937,
c. 375 3. *The Veterinary College Act*, being chapter 375 of the Revised Statutes of Ontario, 1937.
- 1947, c. 101,
s. 20 4. Section 20 of *The Statute Law Amendment Act, 1947.*

**Commence-
ment** **21.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **22.** This Act may be cited as *The Federated Colleges of the Department of Agriculture Act, 1961-62.*

CHAPTER 43

An Act to amend The Financial Administration Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Financial Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 142, s. 2,
subs. 3,
re-enacted

(3) The Treasurer shall designate an officer of the Treasury Department to be the secretary of the Treasury Board and the Treasurer shall, from among the persons employed in the Treasury Department, provide the Board with such staff as is necessary for the proper conduct of the business of the Board. Secretary,
staff

2. Section 18 of *The Financial Administration Act* is repealed. R.S.O. 1960,
c. 142, s. 18,
repealed

3. Section 30 of *The Financial Administration Act* is amended by striking out "and upon the report of the Budget Committee thereon" in the seventh and eighth lines, so that the section shall read as follows: R.S.O. 1960,
c. 142, s. 30,
amended

30. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it deems proper. Treasury
Board
orders

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Financial Administration Amendment Act, 1961-62*. Short title

CHAPTER 44

An Act to amend The Fire Marshals Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Marshals Act* is amended by re-lettering clauses *a* and *b* as clauses *e* and *f* and by adding thereto the following clauses: R.S.O. 1960, c. 148, s. 1, amended

(a) "emergency" means,

(i) a real or apprehended war, invasion or insurrection proclaimed to exist under the *War Measures Act* (Canada), or R.S.C. 1952, c. 288

(ii) a natural emergency declared to exist under section 3a;

(b) "fire department" means a fire department organized under *The Municipal Act* and equipped with one or more motorized fire pumps; R.S.O. 1960, c. 249

(c) "Fire Marshal" means the Fire Marshal of Ontario;

(d) "member" means,

(i) a person regularly employed in a fire department on a full-time salary basis and assigned exclusively to fire protection or fire prevention duties, and includes officers and technicians, or

(ii) a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium, or

(iii) a person who has been appointed as an auxiliary member of a fire department.

R.S.O. 1960,
c. 148,
amended

2. *The Fire Marshals Act* is amended by adding thereto the following section:

Declaration
of natural
emergency

3a.—(1) A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates.

Appointment
of auxiliary
fire
fighters
R.S.O. 1960,
c. 249

(2) An authority empowered by *The Municipal Act* to appoint members of a fire department may appoint a number of auxiliary members not exceeding the number of other members of the fire department.

Duty of
Fire
Marshal

(3) Where an emergency exists, the Fire Marshal has general command and control of all fire departments and the members thereof.

Resignations
R.S.C. 1952,
c. 184

(4) Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a fire department in the area in which the emergency exists shall resign without the consent of the Fire Marshal.

Appoint-
ments, re-
muneration
and
expenses

(5) The Lieutenant Governor in Council may appoint such persons as he deems necessary, who shall function under the direction and control of the Fire Marshal and shall receive such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Agreements
for addi-
tional fire
services

(6) The Attorney General may make agreements with the Crown in right of Canada or in right of any province or with any state of the United States of America or any agency of any such province or state with respect to fire services in any area in which an emergency exists.

Workmen's
compensa-
tion not
affected
R.S.O. 1960,
c. 437

(7) The relationship between a member of a fire department and the municipality by which he is employed continues for the purposes of *The Workmen's Compensation Act* as if this section had not been passed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Fire Marshals Amendment Act, 1961-62*.

CHAPTER 45

An Act to amend The Fish Inspection Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 13 of *The Fish Inspection Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 150, s. 13,
amended

(aa) prohibiting or regulating the marketing of fish that are not inspected or that are below any prescribed grade, quality or standard.

(2) The said section 13 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 150, s. 13,
amended

(2) Any regulation may be limited as to area, species of fish, time or otherwise. Application
of
regulations

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Fish Inspection Amendment Act, 1961-62*. Short title

CHAPTER 46

An Act to amend
The Forest Fires Prevention Act

Assented to December 15th, 1961
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 14 of *The Forest Fires Prevention Act* is amended by inserting after “and” in the first line “the Crown in right of Canada or any province of Canada, any agency of any of them”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 152, s. 14,
subs. 1,
amended

(1) The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them, any municipality, any licensee under *The Crown Timber Act* or any owner or tenant of railway lands under *The Railway Fire Charge Act* may enter into an agreement with respect to the prevention and control of forest fires.

Agreements
for forest
fire pre-
vention and
control
R.S.O. 1960,
cc. 83, 343

(2) Subsection 2 of the said section 14 is repealed.

R.S.O. 1960,
c. 152, s. 14,
subs. 2,
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1961-62*.

Short title

CHAPTER 47

An Act to amend The Forestry Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Forestry Act* is amended by R.S.O. 1960, c. 153, s. 1, striking out "and includes the holder of a licence under *The Crown Timber Act*" in the second and third lines, so that the amended clause shall read as follows:

(c) "owner" means a person having any right, title, interest or equity in land.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Forestry Amendment Act*, Short title 1961-62.

CHAPTER 48

The Game and Fish Act, 1961-62

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "closed season" means a period that is not an open season;
2. "deer" includes wapiti (commonly called elk);
3. "Department" means the Department of Lands and Forests;
4. "dog" means any of the species *Canis familiaris* Linnaeus;
5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, but does not include native species kept in captivity or non-native species present in the wild state;
6. "farmer" means a person whose chief occupation is farming and,
 - (a) who is living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or
 - (b) who is a *bona fide* settler engaged in clearing land for the purpose of bringing it to a state of cultivation;
7. "ferret" means any of the domesticated forms of the old world polecat (*Putorius putorius*) used for hunting;

R.S.C. 1962,
c. 179

8. "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, raccoon, skunk, red squirrel, weasel, wolverine or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal, and includes any part of such animal;
9. "game" means a game animal, game bird or fur-bearing animal, and includes any part of such animal;
10. "game animal" means any animal, except a fur-bearing animal, protected by this Act, and includes any part of such animal;
11. "game bird" means any bird protected by this Act or the *Migratory Birds Convention Act* (Canada), and includes any part of such bird;
12. "game bird hunting preserve" means any area in which pheasants or other game birds propagated under a licence are released for hunting purposes;
13. "holder of a licence" means the person named in the licence;
14. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt" and "hunter" have corresponding meanings;
15. "licence" means an instrument issued under this Act conferring upon the holder the privilege of doing the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act and in the regulations, but no licence is or shall operate as a lease;
16. "Minister" means the Minister of Lands and Forests;
17. "non-resident" means a person who has not actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;

18. "officer" means a Conservation Officer or a Deputy Conservation Officer and includes a member of the Royal Canadian Mounted Police Force or the Ontario Provincial Police Force or any other person authorized to enforce this Act;
19. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the *Fisheries Act* ^{R.S.C. 1952, c. 119} (Canada);
20. "open season" means a specified period during which specified game or fish may be taken;
21. "owner", with reference to land, includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence;
22. "pelt" means the untanned skin of a fur-bearing animal;
23. "pheasant" means any of the species *Phasianus colchicus* Linnaeus;
24. "rabbit" includes cottontail rabbit, varying hare and European hare;
25. "regulations" means the regulations made under this Act;
26. "resident" means a person who has actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;
27. "snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
28. "trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;
29. "vehicle" means a vehicle that is drawn, propelled or driven by any kind of power, including muscular power, and includes the rolling stock of a railway;
30. "vessel" means a boat or ship, and includes a skiff, canoe, punt and raft. R.S.O. 1960, c. 158, s. 1, *amended*.

APPLICATION

Application
of Act**2.** This Act does not apply,

- (a) to domestic animals and domestic birds, except dogs;
- (b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or
- (c) to a person destroying a beaver dam in defence or preservation of his property. R.S.O. 1960, c. 158, ss. 2, 36, *part, amended.*

ADMINISTRATION

Purpose of
the Act

3. The purpose of this Act is to provide for the management, perpetuation and rehabilitation of the wildlife resources in Ontario, and to establish and maintain a maximum wildlife population consistent with all other proper uses of lands and waters. *New.*

Administra-
tion of Act

4. The administration of this Act is under the control and direction of the Minister. R.S.O. 1960, c. 158, s. 3, *amended.*

Revenue

5. Except as otherwise provided by this Act, all rentals, licence fees, fines, penalties, proceeds of the sale of game and fish and of all property forfeited, and other receipts, fees and revenues under this Act or the regulations, or under any licence or instrument authorized by or under this Act, shall be paid to the Treasurer of Ontario. R.S.O. 1960, c. 158, s. 77, *amended.*

Power to
acquire
lands under
R.S.O. 1960,
c. 338

6.—(1) Land may be acquired under *The Public Works Act* for the purposes of management, perpetuation and rehabilitation of the wildlife resources in Ontario.

Idem

(2) The Minister on behalf of Her Majesty in right of Ontario may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes mentioned in subsection 1. 1960-61, c. 32, s. 1, *amended.*

Appoint-
ment of
conserva-
tion officers

7.—(1) The Minister may appoint conservation officers for carrying out this Act and the regulations. *New.*

Deputy con-
servation
officers

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

(3) Every appointment under subsection 2⁷ shall be for the ^{Termination of appointments} period stated in the appointment. R.S.O. 1960, c. 158, s. 4, *amended*.

8.—(1) An officer may, without a search warrant,

Search of
vehicles,
vessels, etc.

(a) stop, enter and search any aircraft, vehicle or vessel;

(b) enter and search any fishing, hunting, mining, lumber or construction camp, or any office of any common carrier, or any premises where pelts are bought or sold; and

(c) open and inspect any trunk, box, bag, parcel or receptacle,

if he has reasonable grounds to believe that any of them contains any game or fish killed, taken, shipped or had in possession in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. ^{R.S.C. 1952, c. 179}

(2) An officer who has reasonable grounds to believe that ^{Search warrant} it is necessary to enter any building which by this Act he is not authorized to enter without a search warrant shall make a deposition before a justice of the peace, and, where the justice is satisfied that there is reasonable ground for believing that there is in the building,

(a) anything upon or in respect of which an offence against this Act or the regulations has been or is suspected to have been committed; or

(b) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence,

he may at any time issue a search warrant.

(3) An officer may use as much force as is necessary for ^{Use of force} him to exercise the powers conferred upon him by subsection 1 or in the execution of a search warrant issued under subsection 2. R.S.O. 1960, c. 158, s. 6 (1, 2), *amended*.

9. An officer on view may arrest without process any ^{Arrest on view} person found committing a contravention of this Act or of the regulations, in which case he shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1960, c. 158, s. 6 (3).

Entry upon
private
property

10. An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose may enter upon and pass through or over private lands without being liable for trespass. R.S.O. 1960, c. 158, s. 6 (4), *amended*.

Authority
to prosecute

11. An officer shall investigate all contraventions of this Act and the regulations brought to his notice and may prosecute any person who he has reasonable cause to believe is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 6 (6), *amended*.

Obstructing
officers

12. No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1960, c. 158, s. 6 (8).

Authority
to stop
vehicles,
vessels

13. An officer may stop a vehicle or vessel for the purpose of,

(a) determining whether the occupants of the vehicle or vessel have been hunting or fishing; or

(b) obtaining information as to the number and species of game or fish taken. *New*.

Power of
inspection of
documents
by officers

14. No person shall refuse to allow an officer to examine any book, invoice or document containing any entry or memorandum relating to game or fish that the officer suspects of being taken or possessed in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, and he shall afford every reasonable facility for the examination, and, upon refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination and remove any such book, invoice or document to safe-keeping. R.S.O. 1960, c. 158, s. 70, *part, amended*.

R.S.C. 1952,
c. 179

Seizure of
game and
other
property

15.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, shall be seized.

Seizure of
aircraft, etc.

(2) An aircraft, vehicle or vessel,

(a) suspected of having been used; or

(b)

- (b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Ontario Fishery Regulations or the *Migratory Birds Convention Act* ^{R.S.C. 1952, c. 179} (Canada) or the regulations made under that Act may be seized.

(3) Upon conviction, any property seized under this section ^{Forfeiture of property seized} is forfeited to the Crown in right of Ontario as represented by the Minister. R.S.O. 1960, c. 158, s. 81 (1), *amended*.

GENERAL PROVISIONS

16. No person shall for hire, gain or reward, or hope ^{Hunting for hire prohibited} thereof, hunt game, or employ, hire or for valuable consideration, induce any other person to hunt game. R.S.O. 1960, c. 158, s. 48.

17.—(1) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had oral or written notice not to hunt or fish thereon by the owner or by a person authorized by the owner to give such notice. ^{Entry after notice}

(2) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 1; or ^{Wrongful erection or destruction of notices}

(b) tear down, remove, deface, damage or interfere with any notice put up, posted or placed pursuant to subsection 1. R.S.O. 1960, c. 158, s. 66 (2, 3), *amended*.

(3) No person shall, for the purpose of hunting or fishing, enter into or allow a dog to enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner or a person authorized by the owner to give such permission. ^{Growing crops}

(4) No person in a party of more than twelve persons shall hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the permission of the owner or a person authorized by the owner to give such permission. ^{Hunting in parties exceeding twelve}

(5) No person shall without authority enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish. ^{Entry on Crown lands used for propagating or retaining game or fish}

Destruction
of notices
or signs

(6) No person shall tear down, remove, damage, deface or interfere with any notice or sign of the Department put up, posted or placed for the purposes of this Act. R.S.O. 1960, c. 158, s. 65 (1-4), *amended*.

Common
law remedy
for trespass

(7) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. R.S.O. 1960, c. 158, s. 65 (5).

Right of
apprehension

(8) Every person found contravening any provision of this section may be apprehended without warrant by a constable or by the owner of the land on which the contravention takes place, or by the servant of or by any person authorized by such owner, and be taken forthwith to a justice of the peace to be dealt with according to law. R.S.O. 1960, c. 158, s. 66 (5); 1960-61, c. 32, s. 10, *amended*.

Offence of
hunting
carelessly

18. Every person is guilty of the offence of hunting carelessly who, being in possession of an air-gun or fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such air-gun or fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. 1960-61, c. 32, s. 11, *amended*.

Use of
aircraft

19. Except as provided in the regulations, no person shall use an aircraft while hunting. R.S.O. 1960, c. 158, s. 59, *amended*.

Fire-arms
in game
areas

20.—(1) No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality that game inhabits or where game is usually found, shall,

- (a) have a loaded air-gun or fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or
- (b) discharge an air-gun or fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles. R.S.O. 1960, c. 158, s. 60 (1), *amended*.

Fire-arms
in power-
boats
R.S.C. 1952,
c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded air-gun or fire-arm in or on or discharge the same from a power-boat. R.S.O. 1960, c. 158, s. 60 (2).

(3) A fire-arm having an unfired shell or cartridge in the chamber or in a magazine attached to the fire-arm shall be deemed to be loaded within the meaning of this section. ^{Interpretation}
R.S.O. 1960, c. 158, s. 60 (3), *amended*.

21. Notwithstanding section 19 and clause *a* of subsection 1 of section 20, wolves may be hunted from an aircraft or a vehicle under the authority of a licence issued by the Minister and subject to such terms and conditions as are prescribed by the regulations. ^{Hunting wolves}
R.S.O. 1960, c. 158, s. 61, *amended*.

22. In a locality that game usually inhabits or in which game is usually found, no person shall have an air-gun or fire-arm in his possession for the purpose of hunting unless it is unloaded and encased between one-half hour after sunset and one-half hour before sunrise of any day. ^{Prohibition as to guns}
R.S.O. 1960, c. 158, s. 47, cl. (a), *amended*.

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor. ^{Exception, raccoon hunting}
R.S.O. 1960, c. 158, s. 47, cl. (d), *amended*.

24. No person shall hunt any animal or bird with a repeating, automatic or auto-loading shot-gun that has not been permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine. ^{Automatic shot-guns}
R.S.O. 1960, c. 158, s. 62.

25.—(1) Except as provided in the regulations, no person shall hunt, trap or possess, or attempt to trap, any animal or bird in a provincial park or in a Crown game preserve. ^{Hunting, etc., in provincial parks}

(2) Except as provided in the regulations, no person shall possess in a provincial park or in a Crown game preserve any trap, explosive, gun or sporting implement. ^{Weapons in provincial parks}
R.S.O. 1960, c. 158, s. 11, *amended*.

26. Except as provided in the regulations, no person shall take or kill or attempt to take or kill any animal by means of poison. ^{Poison prohibited}
R.S.O. 1960, c. 158, s. 46, *amended*.

27. Except as provided in the regulations, no person shall use a ferret in hunting game animals. ^{Ferrets}
R.S.O. 1960, c. 158, s. 33 (10), *amended*.

28. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoiled. ^{Flesh not to be wasted}
R.S.O. 1960, c. 158, s. 58, *part*.

Release of
imported
stock

29. Without the written authority of the Minister, no person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario. R.S.O. 1960, c. 158, s. 49 (2).

Importation
of game

30. Nothing in this Act prevents the bringing of game into Ontario from a place outside Ontario or the possession in Ontario of game taken outside Ontario if the game was legally taken. R.S.O. 1960, c. 158, s. 49 (1), *amended*.

Hotels,
restaurants,
etc.

31. Except with the written authority of the Minister, no hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence. R.S.O. 1960, c. 158, ss. 13, 45, *amended*.

Offence to
make false
statement

32. Any person who knowingly makes any false statement in any application, statement under oath, report or return required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 25 (9), *amended*.

LICENCES

Licences

33. Except under the authority of a licence, no person shall hunt or trap or attempt to trap animals or birds. R.S.O. 1960, c. 158, s. 7 (1), *amended*.

Contraven-
tion of
terms, etc.

34.—(1) No person shall contravene the terms or conditions of his licence. *New*.

Transfer of
licence,
coupon or
seal

(2) Except as provided by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person.

Issue of
licence dis-
cretionary

(3) The issue of a licence is in the discretion of the Minister. R.S.O. 1960, c. 158, s. 25 (1, 3), *amended*.

Refund of
fees

(4) The Minister may direct the refund of the whole or any part of the fee paid for any licence where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1960, c. 158, s. 76, *amended*.

Cancellation
of licence
in event
of error

(5) The Minister may cancel any licence where an error has been made from any cause when issuing it, and the holder

has no claim for indemnity or compensation with respect to it other than the adjustment or refund of any fee collected. R.S.O. 1960, c. 158, s. 67 (2), *amended*.

(6) Except as provided in the regulations, no holder of a licence shall hunt game unless at that time he has the licence on his person. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*. Licence to be carried

(7) The holder of a licence shall produce and show it to any officer whenever requested by the officer. R.S.O. 1960, c. 158, s. 25 (4), *amended*. Production of licence on demand

(8) The holder of a licence shall wear in a conspicuous place on his person any badge that is furnished to him by the Department at the time of the issue of the licence, and the licence with which a badge is furnished at the time of issue is not valid unless the holder is wearing the badge in the manner required by this subsection. R.S.O. 1960, c. 158, s. 25 (6), *part, amended*. Wearing of badge

(9) The holder of a licence obtained by any false or misleading statement made in respect of any information required for the issue of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1960, c. 158, s. 25 (8), *amended*. Licence obtained by misrepresentation

35. Except as provided by the regulations, no licence shall be issued to any person under the age of sixteen years. R.S.O. 1960, c. 158, s. 9. Minors

36.—(1) No person shall issue any licence or collect any fee in respect thereof unless authorized by the Minister. Issuers of licences

(2) No issuer of licences shall issue and no person shall possess a hunting licence that does not exhibit the name of the holder or that is antedated or undated. R.S.O. 1960, c. 158, s. 26, *amended*. Licences not to be issued in blank

(3) Every issuer of licences shall keep such records and make such returns relating thereto as are prescribed by the regulations. *New*. Failure to make returns

37.—(1) The Minister may in writing authorize any municipality to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for. Municipal licences to hunt pheasants, etc.

Where
municipal
licence
required

(2) Where a municipality has passed a by-law under subsection 1, no person shall hunt pheasants, rabbits or foxes in the municipality during the open season without a licence from the municipality. R.S.O. 1960, c. 158, s. 27, *amended*.

Validity of
licence

(3) Where a municipality has passed a by-law under subsection 1, the Minister may in writing authorize the municipality to pass a further by-law to provide that a licence to hunt animals and birds not protected by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, during the period between the 1st day of March and the 31st day of August, is not valid in that municipality unless it is signed by the clerk of the municipality or by a person authorized by him. *New*.

R.S.C. 1952,
c. 179

GAME ANIMALS

Open
seasons

38.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose. R.S.O. 1960, c. 158, s. 29; 1960-61, c. 32, s. 3, *amended*.

Multiplicity
of licences

(2) Except as prescribed by the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year. R.S.O. 1960, c. 158, s. 25 (7), *amended*.

Caribou,
deer and
moose that
may be
taken

39.—(1) Subject to subsections 2, 3 and 4, no person shall, during the open season, take or kill more than one caribou under a licence to hunt caribou, one deer under a licence to hunt deer, or one moose under a licence to hunt moose. R.S.O. 1960, c. 158, s. 31 (1), *amended*.

Exception,
party
hunting
caribou

(2) Where two or more persons who hold licences to hunt caribou are hunting as a party, any member of the party may take or kill the number of caribou that is equal to the number of such licences held by the members of the party, but in no case shall the total number of caribou taken or killed by the members of the party exceed the total number of such licences held by the members of the party. *New*.

Exception,
party
hunting
deer

(3) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party. R.S.O. 1960, c. 158, s. 31 (2).

(4) Where two or more persons who hold licences to hunt moose are hunting as a party, any member of the party may take or kill the number of moose that is equal to the number of such licences held by the members of the party, but in no case shall the total number of moose taken or killed by the members of the party exceed the total number of such licences held by the members of the party. 1960-61, c. 32, s. 4. Exception, party hunting moose

40. No person shall take or kill a black bear, polar bear, caribou, deer or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal. R.S.O. 1960, c. 158, s. 33 (8); 1960-61, c. 32, s. 5, *amended*. Traps, nets, snares, etc., prohibited

41. No person shall hunt a caribou, deer or moose while it is swimming. R.S.O. 1960, c. 158, s. 30 (5), cl. (b), *amended*. Swimming caribou, deer or moose

42. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any rabbit or any black, grey or fox squirrel. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*. Hunting, trapping, etc.

43.—(1) Except under the authority of a licence and subject to the regulations, no person shall sell a game animal or possess a game animal for sale. R.S.O. 1960, c. 158, s. 45, *amended*. Licence for sale of a game animal

(2) Subsection 1 does not apply to European hare or varying hare. *New*. Exception

44. Except with the written authority of the Minister, no person shall, during a closed season, take a game animal for educational or scientific purposes. R.S.O. 1960, c. 158, s. 18, *amended*. Taking of game animal for scientific purposes

45. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of a bear if taken lawfully, and any person may without a licence possess or buy any bear meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*. Dealing in bear meat

GAME BIRDS

46. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed by the regulations, no person shall hunt ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey. R.S.O. 1960, c. 158, s. 38 (1), *amended*. Grouse, partridge, etc.

Hunting
birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cow-birds, blackbirds, starlings and house-sparrows. R.S.O. 1960, c. 158, s. 40, *amended*.

Traps and
snares
prohibited

48. No person shall use, set or maintain a net, trap, spring, cage or other similar contrivance for the purpose of taking or killing any game bird. R.S.O. 1960, c. 158, s. 41, *amended*.

Use of rifle
to hunt
pheasant
prohibited

49. No person shall hunt pheasant with a rifle. R.S.O. 1960, c. 158, s. 63.

Licence for
propagation,
etc., of
game birds

50. Except under the authority of a licence and subject to the regulations, no person shall propagate or sell a game bird or possess a game bird for propagation or sale. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

Game bird
hunting
preserves

51. Except under the authority of a licence and subject to the regulations, no person shall own or operate a game bird hunting preserve. R.S.O. 1960, c. 158, s. 39, *amended*.

Eggs and
nests
protected

52. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes. R.S.O. 1960, c. 158, s. 43, *amended*.

FUR-BEARING ANIMALS

Hunting,
trapping,
etc.

53. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any fur-bearing animal. R.S.O. 1960, c. 158, s. 30 (4), *part, amended*.

Licence to
trap

54.—(1) The Minister may, in a licence to hunt or trap fur-bearing animals,

(a) fix the number of each species of fur-bearing animal that may be taken thereunder; and

(b) designate the area in which fur-bearing animals may be taken thereunder by the holder of the licence.

Idem

(2) The Minister may limit the number of licences to hunt or trap fur-bearing animals in any area. R.S.O. 1960, c. 158, s. 10 (1, 2), *amended*.

(3) No non-resident shall be the holder of a licence to ^{Non-residents} hunt or trap fur-bearing animals. R.S.O. 1960, c. 158, s. 25 (5), *amended*.

(4) The holder of a licence to hunt or trap fur-bearing ^{Authority to sell} animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal.

(5) Subject to sections 25 and 37, the holder of a licence ^{Exceptions as to trappers} to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose.

(6) A farmer or any of his family residing with him upon ^{Exceptions as to farmers} his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed by the regulations. R.S.O. 1960, c. 158, s. 7 (2-4), *amended*.

55. Where a person has taken or killed any fur-bearing ^{Animals taken in preservation of property} animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Department, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Department when applying for a licence to ship it out of Ontario or to dress or tan it. R.S.O. 1960, c. 158, s. 36, *part, amended*.

56. Except as provided by the regulations, no person ^{Possession of fur-bearing animals in closed season} shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed,

- (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act or to the pelts of mink raised on a fur farm; and

(b)

- (b) except that a pelt of an animal killed outside Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelt is received. R.S.O. 1960, c. 158, s. 44, cls. (b, c), *amended*.

Licences: **57.**—(1) Except under the authority of a licence, no person shall,

fur tanner's (a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or

fur dealer's (b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of fur-bearing animals or pelts. R.S.O. 1960, c. 158, s. 12 (1), cls. (c, d), *amended*.

Trade only
between
licensed fur
dealers

(2) No holder of a licence under clause *b* of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering, of pelts to or with any other person in Ontario except where that other person holds a licence under clause *b* of subsection 1. R.S.O. 1960, c. 158, s. 12 (2), *amended*.

Sealing and
marking of
skins and
pelts

58.—(1) The pelts of beaver, fisher, lynx, marten, mink and otter shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause *b* of subsection 1 of section 57 shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter pelts in his possession.

Exception

(2) Subsection 1 does not apply to the pelts of mink raised on a fur farm.

Offence

(3) No person shall present or permit to be presented for sealing or marking the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 54.

Idem

(4) No person shall be party to having or attempting to have sealed or marked the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken under the authority of the licence that is presented with the pelt. R.S.O. 1960, c. 158, s. 30 (1-3), *amended*.

Licence for
propagation
of fur-
bearing
animal

59. Except under the authority of a licence, no person shall propagate a fur-bearing animal or possess a fur-bearing animal for propagation. R.S.O. 1960, c. 158, s. 17 (1), *amended*.

60. Subject to section 2 and except under the authority ^{Dens of fur-bearing animals} of a licence to hunt or trap fur-bearing animals, no person shall molest, damage or destroy,

(a) a den or usual place of habitation of a fur-bearing animal, other than that of a fox or skunk; or

(b) a beaver dam. R.S.O. 1960, c. 158, s. 33 (7), *amended*.

61.—(1) No person shall take or ship or attempt to take ^{Royalties payable} or ship to a point outside Ontario any fur-bearing animal or its pelt without a licence and without paying the royalty prescribed by the regulations.

(2) No person shall send or have sent any fur-bearing ^{Idem} animal or its pelt to a tanner or taxidermist to be tanned, plucked or treated in any way without a licence and without paying the royalty prescribed by the regulations. R.S.O. 1960, c. 158, s. 28 (1), *amended*.

62. No person who has taken or killed a fur-bearing animal ^{Pelts not to be destroyed} shall allow the pelt to be destroyed or spoiled. R.S.O. 1960, c. 158, s. 58, *part*.

63. Notwithstanding anything in this Act, any person may ^{Dealing in muskrat, etc.} under the authority of a licence sell the meat of a beaver, muskrat or raccoon if taken lawfully, and any person may without a licence possess or buy any such meat for his own use. R.S.O. 1960, c. 158, s. 15, *part*.

FISH

64.—(1) No person shall sell, offer for sale, purchase or ^{No traffic in certain fish} barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(a) small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout and Aurora trout for the purpose of stocking; and

(b) speckled trout, brown trout and rainbow trout for human consumption. 1960-61, c. 32, s. 8, *amended*.

(2) No person shall sell, offer for sale, purchase or barter, ^{Idem} or be concerned in the sale, purchase or barter, of yellow

pickerel

pickerel (also known as pike-perch, walleye or doré), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Idem (3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish. R.S.O. 1960, c. 158, s. 53 (2, 3), *amended*.

Fish nets, possession **65.**—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.

Idem (2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1. R.S.O. 1960, c. 158, s. 21, *amended*.

Waters set apart **66.** No person shall take or attempt to take fish by any means from waters set apart for the conservation or propagation of fish, but the Minister may, in writing, authorize fish to be taken from such waters for scientific purposes. R.S.O. 1960, c. 158, s. 52 (1), *amended*.

Right to fish **67.** The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown. R.S.O. 1960, c. 158, s. 56 (1), *amended*.

DOGS

Use of dogs in hunting deer, etc. **68.** Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose. R.S.O. 1960, c. 158, s. 34 (1), *amended*.

Dogs running at large, etc. **69.**—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (4, 5), *amended*.

Use of dogs in hunting deer prohibited in designated areas, etc. (2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated by the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor. R.S.O. 1960, c. 158, s. 34 (3), *amended*.

70. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time. R.S.O. 1960, c. 158, s. 42, *amended*. ^{Restricted use of dogs}

LIVE GAME AND WOLVES

71.—(1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than fourteen days. *New*. ^{Live game kept in captivity}

(2) Live game or a wolf kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith shall be seized, and, upon conviction of the person in possession or control thereof, becomes the property of the Crown in right of Ontario and may be disposed of by the Minister. ^{Seizure of animals, cages, etc.}

(3) This section does not apply where live game or a wolf is kept in captivity in a public zoo or for scientific or educational purposes in a public institution. R.S.O. 1960, c. 158, s. 20 (5, 6), *amended*. ^{Application of section}

TRANSPORTATION AND EXPORT

72.—(1) No non-resident entitled to hunt under a licence shall export more game than the number he is authorized to possess by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. R.S.O. 1960, c. 158, s. 50 (1), *amended*. ^{Export of game by non-residents R.S.O. 1952, c. 179}

(2) No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, fish or game caught, taken or killed in Ontario during the closed season. R.S.O. 1960, c. 158, s. 72 (1), cl. (d), *amended*. ^{Transport of fish or game illegally taken}

(3) The Minister may issue a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any game, whether dead or alive, upon proof under oath satisfactory to him that the game has been lawfully taken. R.S.O. 1960, c. 158, s. 75, *amended*. ^{Transport of game under permit}

73. No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, a receptacle containing game or fish that is not plainly marked on the outside in such a manner as to give a description of the contents and the name and address of the consignee and of the consignor. R.S.O. 1960, c. 158, s. 73, *amended*. ^{Receptacles to be marked}

PROCEDURE

Offence

74. A contravention of this Act or the regulations or of the terms and conditions of a licence is an offence against this Act. R.S.O. 1960, c. 158, s. 78 (3), *amended*.

Description of offence

75. The description of an offence in the words of this Act or of the regulations, as the case may be, or in any words to the like effect, is sufficient, and an information may be for more than one offence, and more than one offence may be set out in one count. R.S.O. 1960, c. 158, s. 78 (4), *amended*.

Similar offence on the same day

76. Where in a prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time or on the same day, the court shall in one conviction impose all the penalties at the same time. R.S.O. 1960, c. 158, s. 78 (6).

Procedure
R.S.O. 1960,
c. 387

77. Except where otherwise provided, *The Summary Convictions Act* applies to all prosecutions under this Act. R.S.O. 1960, c. 158, s. 78 (9).

Money payment as security for appearance in court

R.S.C. 1952,
c. 179

78.—(1) The Minister may authorize any officer to collect a money payment as security for appearance in court from any person against whom the officer is about to lay an information for an offence against this Act or the regulations, the Ontario Fishery Regulations, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act.

Disposition of money payments

(2) Where a money payment has been collected under subsection 1 and the person charged does not appear in court, he may be tried *in absentia* and, upon conviction, whether or not he has appeared in court, the money payment shall be applied to the payment of any fine imposed and the costs, and the balance, if any, shall be remitted to the person convicted, and, where no conviction is made, the money payment shall be remitted to the person who made it. *New*.

Disposition of forfeited property

79.—(1) All property forfeited to the Crown under this Act may be disposed of by the Minister, and, where the seizure has been made from a person unknown, perishable game or fish may be disposed of forthwith, and any other property seized may be disposed of by the Minister after the expiration of thirty days. R.S.O. 1960, c. 158, s. 81 (1), *part, amended*.

Relief from forfeiture

(2) Where the Minister is satisfied that the forfeiture of any property, other than game or fish, would work undue hardship or injustice, he may grant relief from forfeiture,

in whole or in part, and direct its return to the person from whom it was taken upon such terms and conditions as he deems proper. R.S.O. 1960, c. 158, s. 81 (3), *amended*.

80.—(1) Upon the conviction of any person of an offence against this Act or the Ontario Fishery Regulations, any licence, except a licence to hunt, other than a licence to hunt or trap fur-bearing animals, which is held by him and which is related to the offence, shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence upon such terms and conditions as he deems proper.

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of an air-gun or fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order. R.S.O. 1960, c. 158, s. 81 (5, 6), *amended*.

(3) Every person who fails to comply with an order made against him under subsection 2 is guilty of an offence against this Act. R.S.O. 1960, c. 158, s. 81 (7).

81. In prosecutions under this Act in respect of,

Evidence

- (a) taking, killing, procuring or possessing game or fish, or any part thereof, the onus is upon the person charged to prove that the game or fish or part thereof was lawfully taken, killed, procured or possessed by him;
- (b) hunting or trapping, the possession of a gun, decoy or other implement for hunting or trapping in or near a place that game inhabits or where game is usually found is *prima facie* proof that the person in possession of it was hunting or trapping, as the case may be; or
- (c) making of returns by a licensee or an issuer of licences, the production of a return is *prima facie* proof of the making of such return and the contents thereof. R.S.O. 1960, c. 158, s. 79, *amended*.

General
penalty

82. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000. *New.*

REGULATIONS

Regulations
by Lt. Gov.
in Council

83. The Lieutenant Governor in Council may make regulations,

1. establishing classes for licences referred to in this Act or the regulations or the Ontario Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitations, terms and conditions and the fees payable therefor, and limiting the number of licences of any class that may be issued;
2. respecting the issue of licences to trap fur-bearing animals on Crown lands and dividing Ontario or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
3. providing for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 14 or on Crown lands in any part of Ontario designated under paragraph 15;
4. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age;
5. declaring animals, other than those mentioned in paragraph 8 of section 1, to be fur-bearing animals;
6. governing the sale of or traffic in any game, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such game, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
7. authorizing and regulating the sale of game brought into Ontario and lawfully hunted or procured according to the law of the place in which it was hunted or procured;
8. prescribing the number of game animals, game birds or fur-bearing animals that may be possessed;

9. prescribing the open seasons during which and the terms and conditions upon which black bear, polar bear, caribou, deer or moose may be hunted;
10. prescribing the open seasons during which and the terms and conditions upon which ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey may be hunted;
11. designating any parts of Ontario in which no person shall use or be accompanied by a dog while hunting deer;
12. limiting the number of licences that may be issued to own or operate game bird hunting preserves, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of game on preserves, and regulating the spacing of preserves, the taking or killing of game on preserves and the use of preserves for hunting;
13. designating parts of Ontario as Crown game preserves and providing for licensing persons to possess guns in Crown game preserves;
14. prescribing the conditions under which animals or birds may be hunted in provincial parks or Crown game preserves, providing for and regulating the possession or use of traps, explosives, guns or sporting implements in provincial parks or Crown game preserves, and prohibiting the use of motor-boats for trolling in provincial parks;
15. designating Crown lands on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department;
16. designating parts of Ontario as "hinterland areas" and prohibiting persons, other than residents of the areas, from entering and travelling about therein for the purpose of fishing or hunting;
17. prescribing the terms and conditions upon which aircraft may be used while hunting;

18. prescribing the terms and conditions upon which wolves may be hunted from an aircraft or vehicle;
19. prescribing the terms and conditions upon which a person may use a ferret for hunting game animals;
20. prescribing the terms and conditions upon which a person may use poison for taking or killing any animal;
21. regulating or prohibiting the use of snares;
22. regulating, restricting or prohibiting the possession or use of air-guns or fire-arms for the purpose of hunting;
23. providing for and establishing a programme to promote the safe handling of fire-arms by hunters, providing for the appointment of examiners and for the examining of persons on the safe handling of fire-arms, and prescribing fees for examinations;
24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed;
25. prescribing the royalties payable in respect of fish or under section 61, and excepting any fish or fur-bearing animal therefrom;
26. permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act;
27. requiring any person to keep such records and make such reports and returns as are prescribed;
28. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 158, s. 82 (1); 1960-61, c. 32, s. 12, *amended*.

84. The Minister may make regulations,

Regulations
by Minister

1. prescribing the open seasons during which and the terms and conditions upon which any fur-bearing animal may be hunted or trapped or the pelt of any of them may be possessed;
2. prescribing the open seasons during which and the terms and conditions upon which rabbits or black, grey or fox squirrels may be hunted or trapped;
3. setting apart waters for the conservation or propagation of fish;
4. regulating or prohibiting the placing of huts on ice for the purpose of fishing and regulating their use and requiring and regulating their removal. R.S.O. 1960, c. 158, s. 82 (2), *amended*.

85. Any regulation may be limited territorially or as to time or otherwise. R.S.O. 1960, c. 158, s. 82 (3).

Regulations
may be
limited

86. *The Game and Fisheries Act* and *The Game and Fisheries Amendment Act, 1960-61* are repealed.

R.S.O. 1960,
c. 158;
1960-61,
c. 32,
repealed

87. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

88. This Act may be cited as *The Game and Fish Act*, 1961-62.

Short title

CHAPTER 49

**An Act respecting Certain Lands
in the Town of Gananoque**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The lands composed of parts of lots 1044 to 1048, ^{Lands vested in Crown} both inclusive, as shown on the West Part of a plan registered in the Registry Office for the Registry Division of the County of Leeds as number 86 and more particularly described in the Schedule hereto, are hereby vested in Her Majesty the Queen in right of Ontario in fee simple, free of any right, title, interest or trust.
- 2.** The Minister of Lands and Forests may direct the issue ^{Encroachments} of letters patent granting to any adjacent owner who has encroached on any part of the lands described in the Schedule hereto title to the part in fee simple at a fee of \$50 and any cost incurred in connection with the survey or the preparation of the description of the part.
- 3.** The Minister of Lands and Forests may direct the issue ^{Remainder of land} of letters patent granting the part of the lands described in the Schedule hereto not granted under section 2 to The Corporation of the Town of Gananoque.
- 4.** This Act comes into force on the day it receives Royal ^{Commencement} Assent.
- 5.** This Act may be cited as *The Gananoque Lands Act*, ^{Short title} 1961-62.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land in the Town of Gananoque in the County of Leeds, being composed of part of lots 1044 to 1048, both inclusive, as shown on the West Part of a plan registered in the Registry Office for the Registry Division of the said County of Leeds as number 86 and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at a cross in the rock on the east side of Church Street, distant southerly along the east side of Church Street aforesaid, 4 chains and 38 links from the southerly limit of King Street, in the said Town of Gananoque;

THENCE about south 49 degrees east, 3 chains and 1 link to a stone boundary;

THENCE about north 40 degrees and 36 minutes east, 3 chains and 33 links to a stone boundary;

THENCE about north 49 degrees west along the northerly limit of said parcel, 3 chains and 1 link;

THENCE southwesterly, 3 chains and 33 links, more or less, to the place of beginning, containing by admeasurement one (1) acre, more or less, together with a right-of-way to said lands 20 feet in width from a point on Church Street nearest to the burial ground, said right-of-way having a frontage on Church Street of 20 feet, measured northerly along the east side of Church Street 10 feet and southerly along Church Street 10 feet from the cross in the rock on the east side of Church Street, distant southerly 4 chains and 38 links from the southerly limit of King Street and extending back so as to embrace all the land lying between those two points and said described parcel of land, as such described parcel of land is delineated and described on the plan attached to the deed from Robert and Margaret Brough to Her Majesty Queen Victoria, dated the 18th day of May, 1871, and registered as No. 108, in the Registry Office for the Registry Division for the County of Leeds.

CHAPTER 50

An Act to amend The General Sessions Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The General Sessions Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 163, s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) "chief judge" means the Chief Judge of the County and District Courts;

(b) "court" means a court of general sessions of the peace.

2. Subsections 10, 11 and 12 of section 3 of *The General Sessions Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 163, s. 3,
subss. 10, 11,
re-enacted;
subs. 12,
repealed

(10) After first obtaining the approval of the chief judge, the judge of a county or district court may specify a different opening day for the sittings of the court from those provided in this section, in which case the sittings shall be held on the day so specified. Different
opening day

(11) Notice of a different opening day shall be posted or otherwise given as the chief judge may direct. Notice

3. Section 5 of *The General Sessions Act* is amended by striking out "Lieutenant Governor, by proclamation" in the second and third lines and inserting in lieu thereof "chief judge", so that the section shall read as follows: R.S.O. 1960,
c. 163, s. 5,
amended

5. The sittings of the court shall be held in the county town of the county, unless the chief judge authorizes the holding of the sittings at some other place in the county. Place of
sittings

R.S.O. 1960,
c. 163, s. 9,
amended

4. Section 9 of *The General Sessions Act* is amended by striking out "Attorney General" in the sixth line of subsection 1 and in the second line of subsection 2 and inserting in lieu thereof in each instance "chief judge", so that the section shall read as follows:

Adjourn-
ment of
sittings

9.—(1) Where a judge is unable to hold the sittings at the time appointed, the sheriff or his deputy may, by proclamation, adjourn the court to any hour on the following day to be by him named, and so from day to day until a judge is able to hold the court or until he receives other directions from the judge or from the chief judge.

Notice

(2) The sheriff shall forthwith give notice of such adjournment to the chief judge.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The General Sessions Amendment Act, 1961-62*.

CHAPTER 51

**An Act to amend
The Highway Improvement Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Highway Improvement Act* is amended by inserting after "of" in the first line "Crown" and by striking out "acquired under subsection 1" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 171, s. 3,
subs. 2,
amended

- (2) Where the jurisdiction and control of Crown land or a part thereof is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon such land or part thereof is under the jurisdiction and control of the Department of Lands and Forests.

Crown land
no longer
required

2. Subsection 7 of section 22 of *The Highway Improvement Act* is amended by striking out "80" in the eighth line and inserting in lieu thereof "90", so that the subsection shall read as follows:

R.S.O. 1960,
c. 171, s. 22,
subs. 7,
amended

- (7) Notwithstanding clause *b* of subsection 6, where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500 and the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that is to be paid out of the moneys appropriated therefor

Idem,
bridges
and
culverts

by

by the Legislature shall not exceed a sum equal to 90 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1962.

Short title

4. This Act may be cited as *The Highway Improvement Amendment Act, 1961-62*.

CHAPTER 52

An Act to amend The Highway Traffic Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

5a. "Deputy Minister" means the Deputy Minister of Transport.

(2) Paragraph 24 of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 24, re-enacted

24. "safety glass" means any product that is composed of glass and so manufactured, fabricated or treated as substantially to prevent the shattering and flying of the glass when struck or broken and that is approved by the Department, or such other or similar product that is approved by the Department.

2. Subsection 3 of section 3 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 3, subs. 3, re-enacted

(3) The Minister may authorize the Deputy Minister and the Registrar or either of them to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act and where both the Deputy Minister and the Registrar are so authorized, either of them may exercise and discharge any of such powers and duties. Delegation of powers, etc., to Deputy Minister and Registrar

3. Subsection 3 of section 20 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1960-61*, is amended by inserting after "under" in the second line "subsection 4 of section 221 or", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 20 (1960-61, c. 34, s. 2), subs. 3, amended

Idem

1953-54,
c. 51 (Can.)

- (3) Where a person has been convicted of an offence under subsection 4 of section 221 or section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
amended

4.—(1) Section 21 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by inserting after “under” in the second line “subsection 4 of section 221 or”, so that subsection 1 of the said section shall read as follows:

Suspension
for driving
while ability
impaired
and for
dangerous
driving

- (1) Subject to section 22, the licence of a person who is convicted of an offence under subsection 4 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,
- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
 - (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172, s. 21,
amended

(2) The said section 21 is further amended by adding thereto the following subsection:

Subsequent
offence

- (2) Where a person who has been previously convicted of an offence mentioned in subsection 1 is convicted of the same or another offence mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21^a,
(1960-61,
c. 34, s. 4),
amended

5. Section 21^a of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out “and 21” in the second line and inserting in lieu thereof “21 and 21^b”, so that the section shall read as follows:

21a. Notwithstanding section 155, where a penalty is provided in sections 20, 21 and 21b for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

Interpretation of "subsequent" for ss. 20, 21, 21b

6. *The Highway Traffic Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 172, amended

21b. The licence of a person who is convicted of an offence under subsection 2 of section 221 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

Suspension for failure to stop at scene of accident 1953-54, c. 51 (Can.)

(a) upon the first offence, where property damage only occurred in connection with the offence, three months;

(b) upon the first offence, where injury to or the death of any person occurred in connection with the offence, six months;

(c) upon any subsequent offence, six months, but where injury to or the death of any person occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

21c. The licence of a person who is convicted of an offence under subsection 3 of section 225 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of six months in addition to the period of suspension with respect to which he was convicted under such subsection 3.

Suspension for driving while disqualified

7.—(1) Subsection 3 of section 33 of *The Highway Traffic Act* is amended by striking out "300" in the seventh line and inserting in lieu thereof "350", so that the subsection shall read as follows:

R.S.O. 1960, c. 172, s. 33, subs. 3, amended

(3) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render

Driving lights

clearly

clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 350 feet ahead of the motor vehicle.

R.S.O. 1960,
c. 172, s. 33,
amended

(2) The said section 33 is amended by adding thereto the following subsections:

Flashing
blue light
on snow-
removal
equipment

(31) No person shall operate on a highway a motor vehicle or road-building machine while being used for the removal of snow from a highway unless the motor vehicle or road-building machine is equipped with a lamp producing intermittent flashes of blue light visible for a distance of 500 feet.

Restriction
on use of
flashing
blue light

(32) No person shall use a lamp that automatically produces intermittent flashes of blue light on a motor vehicle or road-building machine other than a motor vehicle or road-building machine while being used for the removal of snow from a highway.

R.S.O. 1960,
c. 172, s. 35,
amended

8.—(1) Section 35 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Additional
brakes

(3a) The Lieutenant Governor in Council may make regulations,

(a) requiring vehicles or any type or class thereof to be equipped with brakes or braking systems in addition to the brakes required by subsection 1, 2 or 3;

(b) prescribing the standards and specifications of brakes and braking systems or any class or type thereof that are required by this section or regulations made under clause *a*.

R.S.O. 1960,
c. 172, s. 35,
subs. 6,
amended

(2) Subsection 6 of the said section 35 is amended by inserting after "section" in the second line "or any regulation made thereunder", so that the subsection shall read as follows:

Penalty

(6) Every person who contravenes any of the provisions of this section or any regulation made thereunder is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200 and is also liable

to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

41a. Every bus when operated on a highway shall be equipped with a speedometer which shall be maintained in good working order. Speedometers required in buses

10. Subsection 1 of section 57 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 57, subs. 1, re-enacted

(1) The Lieutenant Governor in Council may make regulations, Regulation of carriage of explosives etc.

(a) classifying and defining explosives and dangerous materials;

(b) regulating or prohibiting the transportation of explosives and dangerous materials or any class thereof by a vehicle on a highway;

(c) regulating the preparation and packaging of explosives and dangerous materials or any class thereof to be transported by a vehicle on a highway;

(d) requiring the labelling of packages and containers of explosives and dangerous materials or any class thereof and prescribing the labels to be attached to such packages and containers.

11.—(1) Subsection 1 of section 58 of *The Highway Traffic Act* is amended by adding at the end thereof "and except motor vehicles and road-building machines while being used for the removal of snow from a highway", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 58, subs. 1, amended

(1) No vehicle, including load or contents, shall have a greater width than 96 inches, except traction engines or threshing machines which may have a total width of 110 inches, and except loads of loose fodder and except motor vehicles and road-building machines while being used for the removal of snow from a highway. Width of vehicle

(2) Subsection 2 of the said section 58 is amended by inserting after "and" in the third line "except as provided in subsection 2a", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 58, subs. 2, amended

Length of
vehicle or
combination
of vehicles

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 33 feet and, except as provided in subsection 2*a*, no combination of vehicles, including load or contents, coupled together shall exceed the total length of 50 feet.

R.S.O. 1960,
c. 172, s. 58,
amended

- (3) The said section 58 is amended by adding thereto the following subsection:

Length
of car
carriers

- (2*a*) No combination of vehicles that includes a trailer or semi-trailer and that is designed for the carriage of motor vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.

R.S.O. 1960,
c. 172, s. 58,
subs. 3,
amended

- (4) Subsection 3 of the said section 58 is amended by striking out "35" in the second line and inserting in lieu thereof "40", so that the subsection shall read as follows:

Length of
public
vehicle

- (3) No public vehicle, including load or contents, shall exceed the length of 40 feet.

R.S.O. 1960,
c. 172, s. 59,
subs. 1, cl. *f*,
amended

- 12.**—(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by inserting after "6" in the second line "6*a*", so that the clause shall read as follows:

- (*f*) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6*a*, 9 and 10; or

.

R.S.O. 1960,
c. 172, s. 59,
amended

- (2) The said section 59 is amended by adding thereto the following subsection:

increase or
decrease on
township
and county
roads

- (6*a*) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area, urban area or suburban district than is prescribed in clause *a* of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour.

R.S.O. 1960,
c. 172, s. 59,
subs. 7,
amended

- (3) Subsection 7 of the said section 59 is amended by striking out "or 6" in the first line and inserting in lieu thereof "6 or 6*a*", so that the subsection shall read as follows:

- (7) No by-law passed under subsection 2, 3, 5, 6 or 6a ^{approval of} becomes effective until approved by the Department ^{by-laws} and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

(4) Subsection 11 of the said section 59 is amended by ^{R.S.O. 1960,} striking out "or 5" in the first line and inserting in lieu ^{c. 172, s. 59,} thereof "5, 6 or 6a", so that the subsection shall read as ^{subs. 11,} amended follows:

- (11) Where a by-law is passed under subsection 2, 3, 4, ^{application} 5, 6 or 6a or a regulation is made under subsection 9 ^{of subs. 1} or 10, or a by-law is passed under section 89 of *The R.S.O. 1960,* *Municipality of Metropolitan Toronto Act*, the rates ^{c. 260} of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation.

13.—(1) Clause *a* of subsection 1 of section 94 of *The R.S.O. 1960,* *Highway Traffic Act*, as re-enacted by section 12 of *The High-* ^{c. 172, s. 94} *way Traffic Amendment Act, 1960-61*, is amended by striking ^{(1960-61,} out "bus is stopped" in the second line and inserting in lieu ^{c. 34, s. 12),} thereof "signals flashing", so that the clause shall read as ^{subs. 1, cl. a,} amended follows:

- (a) bears on the rear thereof the words "do not pass when signals flashing"; and

.

(2) Subsection 2 of the said section 94 is amended by ^{R.S.O. 1960,} striking out "outside a city, town, village, police village or ^{c. 172, s. 94} built-up area" in the first and second lines and inserting in ^{(1960-61,} lieu thereof "or part of a highway on which the maximum ^{c. 34, s. 12),} speed limit is greater than 35 miles per hour", so that the ^{subs. 2,} subsection, exclusive of the clauses, shall read as follows:

- (2) Where a school bus is stopped on a highway or part ^{Duty of} of a highway on which the maximum speed limit is ^{driver when} greater than 35 miles per hour for the purpose of ^{school bus} receiving or discharging school children, the driver ^{stopped on} of a vehicle, ^{highway}

.

(3) Clause *a* of subsection 2 of the said section 94 is amended ^{R.S.O. 1960,} by striking out "bus is stopped" in the second and third lines ^{c. 172, s. 94} and inserting in lieu thereof "signals flashing", so that the ^{(1960-61,} clause shall read as follows: ^{c. 34, s. 12),} ^{subs. 2, cl. a,} amended

(a)

- (a) when overtaking the school bus on the rear of which the words "do not pass when signals flashing" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating.

R.S.O. 1960,
c. 172, s. 94
(1960-61,
c. 34, s. 12),
subs. 3,
amended

- (4) Subsection 3 of the said section 94 is amended by striking out "outside a city, town, village, police village or built-up area" in the second and third lines and inserting in lieu thereof "or part of a highway on which the maximum speed limit is greater than 35 miles per hour", so that the subsection shall read as follows:

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

R.S.O. 1960,
c. 172, s. 94
(1960-61,
c. 34, s. 12),
subs. 4,
amended

- (5) Subsection 4 of the said section 94 is amended by striking out "bus is stopped" in the first and second lines and inserting in lieu thereof "signals flashing", so that the subsection shall read as follows:

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when signals flashing" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

R.S.O. 1960,
c. 172, s. 117,
re-enacted

- 14.** Section 117 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Amounts of
financial
responsi-
bility

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least \$35,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property,

- (a) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of \$30,000; and

(b)

- (b) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

15. Clause *c* of subsection 1 of section 118 of *The Highway Traffic Act* is amended by striking out “\$25,000” in the fourth line and inserting in lieu thereof “\$35,000”, so that the clause shall read as follows: R.S.O. 1960,
c. 172, s. 118,
subs. 1, cl. c,
amended

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$35,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

16. Part XIII of *The Highway Traffic Act*, as amended by sections 13 and 14 of *The Highway Traffic Amendment Act, 1960-61*, is repealed. R.S.O. 1960,
c. 172,
Part XIII
(ss. 128-142),
repealed

17. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

159.—(1) The Minister may appoint one or more persons on the staff of the Department as an officer or officers for the purpose of carrying out all or any of the provisions of this Act, and any person so appointed has authority to act as a constable throughout Ontario for such purpose. Appointment
of officers
for carrying
out pro-
visions
of Act

(2) A person appointed under subsection 1 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 1 and shall produce such certificate upon request. Certificate
of
appointment

18.—(1) This Act, except sections 3 to 10 and 13 to 16, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 13 comes into force on the 1st day of June, 1962. Idem

Idem (3) Sections 3 to 10 and 16 come into force on the 1st day of July, 1962.

Idem (4) Sections 14 and 15 come into force on the 1st day of October, 1962.

Short title **19.** This Act may be cited as *The Highway Traffic Amendment Act, 1961-62.*

CHAPTER 53

**An Act to amend
The Homes for the Aged Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Homes for the Aged Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 174, s. 6,
amended

(3) Where a home is established and maintained by a city having a board of control, the members of the committee of management shall be appointed on the recommendation of the board of control, and section 206 of *The Municipal Act* applies in respect of the home.

recommen-
dation of
board of
control

R.S.O. 1960,
c. 249

2. Subsection 3 of section 7 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 174, s. 7,
subs. 3,
re-enacted

(3) No site for the home shall be selected by the board without first obtaining the approval of the Minister.

powers

3. *The Homes for the Aged Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 174,
amended

7a. Where a municipality that establishes and maintains a home or joint home, or the board of management of a home established and maintained under section 4, enters into an agreement with a resident of the home to receive, hold and administer real or personal property of the resident in trust for certain purposes, the municipality or board may receive, hold and administer the property for the purposes of the agreement.

Trust
agreements

4. Subsection 1 of section 18 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 174, s. 18,
subs. 1,
re-enacted

Responsi-
bility for
payment

- (1) A resident of a home or joint home is responsible for the payment of the cost of his maintenance, and the cost shall be paid or recovered only out of that portion of his income and assets that is available therefor as determined under the regulations.

R.S.O. 1960,
c. 174, s. 23,
amended

5. Section 23 of *The Homes for the Aged Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Provincial
subsidy

- (1a) Where a home is established and maintained under section 4, in addition to the amount payable under subsection 1, the Lieutenant Governor in Council may direct payment of the proportion that is allocated by the regulations to the unorganized parts of the territorial district of the capital expenditure in respect of which a payment has not been made under subsection 2 of section 20.

R.S.O. 1960,
c. 174, s. 26,
subs. 1, cl. e,
re-enacted

6.—(1) Clause *e* of subsection 1 of section 26 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

- (e) governing the determination of the portion of the income and assets of a resident of a home or joint home that is available for the purpose of paying the cost of his maintenance.

R.S.O. 1960,
c. 174, s. 26,
subs. 1, cl. h,
re-enacted

(2) Clause *h* of subsection 1 of the said section 26 is repealed and the following substituted therefor:

- (h) prescribing the manner of computing the proportion of costs in respect of homes established and maintained under section 4 that shall be allocated to the unorganized parts of territorial districts for the purposes of sections 20 and 23.

R.S.O. 1960,
c. 174, s. 26,
subs. 1,
amended

(3) Subsection 1 of the said section 26 is amended by adding thereto the following clause:

- (na) fixing the term of office of the members of boards of management of homes established under section 4 and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Homes for the Aged Amendment Act, 1961-62*.

CHAPTER 54

**An Act to amend
The Horticultural Societies Act**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Horticultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 175, s. 19,
re-enacted

19. Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature according to the following plan: Payment
of grants

1. Every society shall, during the first year of its existence, receive a grant amounting to 50 cents for every paid-up member as of the 1st day of July, but no such grant shall exceed \$75.

2. Every society that has been in existence for more than one year shall receive a grant amounting to,

(a) 25 cents for every paid-up member during the previous year; and

(b) one-quarter of the total amount expended by the society during the preceding year for horticultural purposes, in accordance with section 9,

but no such grant shall exceed \$500.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Horticultural Societies Amendment Act, 1961-62*. Short title



CHAPTER 55

An Act to amend The Hospital Services Commission Act

Assented to (except sec. 2) March 30th, 1962

Sec. 2 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of subsection 1 of section 15 of *The Hospital Services Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 176, s. 15,
subs. 1, cl. *l*,
re-enacted

- (*l*) subrogating the Commission to any right of recovery by an insured person or by a hospital indigent described in the regulations in respect of any injury or disability and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled.

2. Subsection 1 of section 23 of *The Hospital Services Commission Act* is amended by inserting after "section" in the third line "a hospital established or designated under *The Children's Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act, 1960-61*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 176, s. 23,
subs. 1,
amended

- (1) In this section, "hospital" means a sanitarium licensed under *The Private Sanitaria Act* that is approved by the Commission for the purposes of this section, a hospital established or designated under *The Children's Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act, 1960-61*, a psychiatric hospital established under *The Psychiatric Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, or a sanatorium established under *The Sanatoria for Consumptives Act*.

Interpre-
tation
R.S.O. 1960,
cc. 307, 56;
1960-61,
c. 9;
R.S.O. 1960,
cc. 315, 236,
359

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1961-62*.

Short title

CHAPTER 56

An Act to amend The Hospitals Tax Act

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 178, s. 3,
subs. 1,
re-enacted

- (1) A purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows:

Tax on
admission
to places of
amusement

Price of Admission							Tax
More than 57 cents and not more than 61 cents							4 cents
" " 61	"	"	"	"	"	65	" —5 "
" " 65	"	"	"	"	"	74	" —6 "
" " 74	"	"	"	"	"	83	" —7 "
" " 83	"	"	"	"	"	92	" —8 "

and, where the price of admission is more than 92 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as 1 cent.

(2) Subsection 2 of the said section 3 is amended by striking out "66" in the second line and inserting in lieu thereof "76".

R.S.O. 1960,
c. 178, s. 3,
subs. 2,
amended

2. Subsection 4 of section 10 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 178, s. 10,
subs. 4,
re-enacted

- (4) Every owner who fails to deliver a return as and when required by subsection 1 of section 9 shall pay a penalty of,
- (a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

Penalty
for failure
to deliver
return

(b)

(b) \$500, if the amount of such tax was \$10,000 or more.

Commence-
ment

3. This Act comes into force on the 1st day of April, 1962.

Short title

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1961-62*.

CHAPTER 57

**An Act respecting The Religious Hospitallers of
the Hotel Dieu of St. Joseph of the Diocese of
London, in the Province of Ontario**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described in the Schedule hereto, situate in the City of Windsor, in the County of Essex and Province of Ontario, acquired by The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, are hereby vested in the said corporation in fee simple free and clear from all right, title and interest of the Public Trustee, and also free and clear from all right, title and interest other than that of the said corporation, but subject to the rights of the trustee and bondholders purporting to have been given to them pursuant to the provisions of a mortgage deed of trust made between the said corporation and The Canada Trust Company, as trustee, dated the 23rd day of May, 1951, and registered in the registry office for the registry division of the County of Essex on the 11th day of June, 1951, as No. 90819, as amended by supplemental deed of trust and mortgage made between the said parties, dated the 24th day of November, 1961, and registered in the registry office for the registry division of the County of Essex on the 6th day of December, 1961, as No. 251599, and the bonds issued thereunder.

2. Notwithstanding *An Act to incorporate The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, in the Province of Ontario*, being chapter 105 of the Statutes of Ontario, 1917,

- (a) the said corporation may acquire, hold, accept or receive land that has an annual value in excess of \$50,000; and
- (b) the said corporation shall have, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or

otherwise

otherwise acquire, take or receive by deed, gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition to or in place thereof, without licence in mortmain and without limitation as to the period of holding.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Hotel Dieu Hospital, Windsor, Act, 1961-62*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, and being composed of:—

Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), in Block Five (5), according to a plan of the subdivision into Town lots of parts of Lots Eighty-one (81) and Eighty-two (82), (by McNiff's numbers), formerly in the First Concession of the Township of Sandwich, but now in the City of Windsor, according to Registered Plan No. Two Hundred and Seventy-one (271);

The northerly forty feet (40') of Lot No. One Hundred and Sixty-nine (169) and the southerly twenty-five feet (25') of Lot No. One Hundred and Sixty-eight (168), both said lots being on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan Thirteen Hundred and Three (1303);

The north one-half ($\frac{1}{2}$) of Lot No. One Hundred and Seventy-seven (177), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303);

The southerly thirty feet (30') from front to rear of Lot No. One Hundred and Seventy-six (176), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303);

The middle one-third ($\frac{1}{3}$) of Lot No. One Hundred and Sixty-nine (169), in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303), which said middle one-third may be more particularly described as follows:—

COMMENCING at a point in the westerly limit of Goyeau Street forty feet (40') south of the north limit of Lot No. One Hundred and Sixty-nine (169) according to Registered Plan Thirteen Hundred and Three (1303) of the City of Windsor;

THENCE westerly parallel with the north limit of the said lot to a point in the west limit thereof;

THENCE southerly along the west limit of the said lot a distance of forty feet (40') more or less to a point in the said west limit, which point is forty feet (40') north from the south limit of the said lot;

THENCE easterly and parallel with the northerly limit of said Lot No. One Hundred and Sixty-nine (169) to a point in the west limit of Goyeau Street forty feet (40') north from the southerly limit of the said Lot No. One Hundred and Sixty-nine (169);

THENCE northerly along the west limit of Goyeau Street a distance of forty feet (40') more or less to the place of beginning;

The south one-third ($\frac{1}{3}$) of Lot No. One Hundred and Sixty-nine (169), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan No. Thirteen Hundred and Three (1303);

The north half of the south half of Lot No. One Hundred and Seventy-six (176), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan No. Thirteen Hundred and Three (1303).

CHAPTER 58

**An Act to amend
The Hours of Work and Vacations with Pay Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Hours of Work and Vacations with Pay Act* is amended by inserting after "labour" in the fourth line "and pay", so that the subsection shall read as follows: R.S.O. 1960,
c. 181, s. 8,
subs. 1,
amended

- (1) An employer shall, on demand of the Board or of the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the hours of labour and pay of any person employed by him. Production
of records

2.—(1) Clause *a* of subsection 1 of section 9 of *The Hours of Work and Vacations with Pay Act* is amended by inserting after "labour" in the third line "and pay", so that the clause shall read as follows: R.S.O. 1960,
c. 181, s. 9,
subs. 1, cl. a,
amended

- (a) inspect and examine all books, pay-rolls and other records of any employer that in any way relate to the hours of labour and pay of any of his employees.

(2) Clause *c* of subsection 1 of the said section 9 is amended by inserting after "work" in the third line "and pay", so that the clause shall read as follows: R.S.O. 1960,
c. 181, s. 9,
subs. 1, cl. c,
amended

- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as is required, respecting the hours of work and pay of any of his employees, and require the statements to be made by the employer on oath or to be verified by his statutory declaration.

R.S.O. 1960, c. 181, s. 9, subs. 1, cl. d, amended (3) Clause *d* of subsection 1 of the said section 9 is amended by inserting after "work" in the ninth line "and pay", so that the clause shall read as follows:

- (*d*) require any employee to make full disclosure, production or delivery to the Board, or to the person so authorized, of all records, documents, statements, writings, books or papers, or extracts therefrom or copies thereof, or other information either verbal or in writing that the employee has in his possession or under his control and either verified on oath or otherwise as is directed, which may in any way relate to his hours of work and pay as an employee.

R.S.O. 1960, c. 181, s. 12, subs. 1, re-enacted 3.—(1) Subsection 1 of section 12 of *The Hours of Work and Vacations with Pay Act* is repealed and the following substituted therefor:

Additional
penalty

- (1) In addition to the penalty imposed on an employer for failure to grant a vacation with pay to an employee, the magistrate shall order the employer to pay to the Board on behalf of the employee an amount equal to the pay he would have received for such vacation or the amount to which he would be entitled under the regulations.

R.S.O. 1960, c. 181, s. 12, subs. 2, amended

- (2) Subsection 2 of the said section 12 is amended by striking out "shall be filed" in the first line and inserting in lieu thereof "may be filed by the Board", so that the subsection shall read as follows:

Filing of
order

- (2) An order made under subsection 1 may be filed by the Board in a division court where,

(*a*) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

R.S.O. 1960, c. 110

- (*b*) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

and such order thereupon is of the same force and effect as a judgment in the division court.

R.S.O. 1960, c. 181, amended

4. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections:

- 12a. The Board may require any employer to post and keep posted in a conspicuous place where his employees are engaged in their duties such notices as the Board may direct. ^{Posting of notices}
- 12b.—(1) Where the Board is authorized to require a person to furnish information under this Act, the Board may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice. ^{Notice to furnish information}
- (2) A certificate of a member of the Board certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post-office certificate of the registration and a true copy of the notice, is admissible as *prima facie* proof of the mailing and receipt of the notice. ^{Proof of service of notice}
- (3) Where the Board is authorized to require a person to furnish information under this Act, a certificate of a member of the Board certifying that the information has not been furnished is admissible as *prima facie* proof that in such case the person did not furnish the information. ^{Proof of failure to comply}
- (4) A certificate of a member of the Board certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Board is admissible as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved. ^{Proof of documents}
- (5) A certificate under this section signed or purporting to be signed by a member of the Board is admissible as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature. ^{Proof of authority}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1961-62*. ^{Short title}

CHAPTER 59

An Act to amend The Housing Development Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Housing Development Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 182, s. 1,
cl. *a*,
re-enacted

- (*a*) "building development" means a project designed to furnish housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor, and includes a plan for the re-development of land in blighted or substandard areas in any municipality.

2. Sections 2, 3 and 4 of *The Housing Development Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 182,
ss. 2-4,
re-enacted

2.—(1) The Lieutenant Governor in Council may,

L.G. in C.
may
advance or
guarantee
moneys for
building develop-
ments, etc.

- (*a*) guarantee moneys loaned to persons to be used in the construction of a building development;
- (*b*) advance moneys or guarantee moneys loaned to any building development corporation to undertake a building development;
- (*c*) advance moneys or guarantee moneys loaned to persons to acquire and rehabilitate housing units;
- (*d*) advance moneys or guarantee moneys loaned to any municipality to acquire, demolish and clear dwelling units on land in the municipality that cannot reasonably be rehabilitated for housing purposes; and
- (*e*) make grants in aid of any housing development.

Use of
certain
lands
restricted

- (2) Where moneys are advanced or guaranteed under clause *d* of subsection 1, the land shall not be used for other than public purposes without the approval of the Minister.

Grants for
studies into
housing and
to assist
house build-
ing industry

3. The Minister of Economics and Development may,
- (a) make grants in aid of studies into housing conditions or any matter relating to housing in Ontario; and
 - (b) make grants and otherwise assist the house building industry in Ontario by stimulating and encouraging research, education and constructive competition within the industry.

Advisory
committees

4. The Minister of Economics and Development may, for the purpose of assisting him in the carrying out of his responsibilities, appoint such advisory committees as he may deem necessary and may pay the reasonable travelling and living expenses incurred by the members of such advisory committees.

R.S.O. 1960,
c. 182, s. 6,
subs. 1
(1960-61,
c. 37, s. 1),
amended

3.—(1) Subsection 1 of section 6 of *The Housing Development Act*, as re-enacted by section 1 of *The Housing Development Amendment Act, 1960-61*, is amended by striking out "Commerce" in the second line and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 6,
subs. 1
(1960-61,
c. 37, s. 1),
cl. c,
amended

(2) Clause *c* of subsection 1 of the said section 6 is amended by striking out "an area specified as an urban renewal area in an agreement between the Crown in right of Ontario, a municipality and Central Mortgage and Housing Corporation established by *The Central Mortgage and Housing Corporation Act* (Canada)" in the third to the eighth lines and inserting in lieu thereof "any municipality", so that the clause shall read as follows:

- (c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in any municipality.

R.S.O. 1960,
c. 182, s. 6,
amended

(3) The said section 6 is amended by adding thereto the following subsection:

Distribution
of payments
in lieu of
taxes

- (9) Where in an agreement made under this Act it is provided that payments shall be made to a municipality in lieu of taxes, such payments shall be distributed by the council of the municipality to each of the bodies for which the council is required

by

by law to levy or collect rates as if the land in respect of which the payment is made had been assessed and taxed in the usual way, and, for all purposes of distribution of any part of such payments between school boards, the tenants of any joint housing project shall be deemed to be rated as tenants on the assessment roll of the municipality.

4.—(1) Subsection 1 of section 7 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960,
c. 182, s. 7,
subs. 1,
amended

(2) Subsection 2 of the said section 7 is amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960,
c. 182, s. 7,
subs. 2,
amended

(3) Subsection 3 of the said section 7 is amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960,
c. 182, s. 7,
subs. 3,
amended

(4) Subsection 4 of the said section 7 is amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960,
c. 182, s. 7,
subs. 4,
amended

5. Section 9 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 182, s. 9,
re-enacted

9.—(1) In this section, “family of low income” means a family that receives a total family income that, in the opinion of the Minister of Economics and Development, is insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives. Interpre-
tation

(2) With the approval of the Lieutenant Governor in Council, a corporation constituted under subsection 2 of section 6 may, Powers of
manage-
ment cor-
porations

(a) lease privately-owned housing units for occupancy by families of low income and lease such housing units to families of low income; and

(b) if requested by the municipality in which the corporation exercises its powers,

(i) inquire into any matter relating to housing conditions or a building development in the municipality and

report

report thereon to the municipality with its recommendations; and

- (ii) undertake the management of any housing development in the municipality.

Payment of
expenses re
inquiry

- (3) The municipality at whose request an inquiry is made under subsection 2 may pay all or any part of the expenses incurred by the corporation with respect to such inquiry.

Management
fees

- (4) Where a corporation manages a housing development at the request of a municipality, the municipality shall pay to the corporation such fees for the management of the housing development as may be prescribed by the regulations made under this Act.

R.S.O. 1960,
c. 182, s. 12,
amended

6. Section 12 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 14,
amended

7. Section 14 of *The Housing Development Act* is amended by striking out "and" at the end of clause *a* and by adding thereto the following clauses:

- (c) prescribing fees for the management of housing developments which may be different in respect of any one or more housing developments;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1960,
c. 182, s. 16,
subs. 1,
amended

8.—(1) Subsection 1 of section 16 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 16,
subs. 2,
amended

(2) Subsection 2 of the said section 16, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 17,
amended

9.—(1) Section 17 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

(2) The said section 17 is further amended by adding ^{R.S.O. 1960,}
thereto the following subsection: ^{c. 182, s. 17,}
^{amended}

- (2) For the purpose of subsection 1, "maintenance cost" ^{Maintenance}
includes taxes assessed by the municipality against ^{cost}
the housing project.

10. Section 18 of *The Housing Development Act*, as amended ^{R.S.O. 1960,}
by section 2 of *The Housing Development Amendment Act*, ^{c. 182, s. 18,}
1960-61, is further amended by striking out "Commerce" in ^{amended}
the amendment of 1960-61 and inserting in lieu thereof
"Economics".

11.—(1) This Act, except subsection 3 of section 3 and ^{Commence-}
section 5, comes into force on the day it receives Royal Assent. ^{ment}

(2) Subsection 3 of section 3 and section 5 shall be deemed ^{Idem}
to have come into force on the 1st day of January, 1962.

12. This Act may be cited as *The Housing Development* ^{Short title}
Amendment Act, 1961-62.

CHAPTER 60

The Income Tax Act, 1961-62

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I — INTERPRETATION

1.—(1) In this Act,Inter-
pre-
tation

1. “agreeing province” means a province that has entered into a collection agreement with the Government of Canada for the collection of tax under its income tax statute;
2. “amount” means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
3. “assessment” includes a re-assessment;
4. “business” includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include an office or employment;
5. “collection agreement” means an agreement entered into pursuant to subsection 1 of section 46;
6. “corporation” includes an incorporated company and a “corporation incorporated in Canada” includes a corporation incorporated in any part of Canada before or after it became part of Canada;
7. “deputy head” means the Deputy Provincial Treasurer, or, where a collection agreement is entered into, means the Deputy Minister of National Revenue for Taxation;

8. "employed" means performing the duties of an office or employment;
9. "employee" includes an officer;
10. "employer", in relation to an officer, means the person from whom the officer receives his remuneration;
11. "Federal Act" means the *Income Tax Act* (Canada);
12. "Federal Regulations" means the regulations made pursuant to the Federal Act;
13. "fiscal period" means a fiscal period determined in accordance with and for the purposes of the Federal Act;
14. "income tax statute" means, with reference to an agreeing province, the law of that province that imposes a tax similar to the tax imposed under this Act;
15. "individual" means a person other than a corporation, and includes a trust or estate as defined in subsection 1 of section 63 of the Federal Act;
16. "loss" means a loss as determined in accordance with and for the purposes of the Federal Act;
17. "Minister" means the Minister of National Revenue for Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement has been entered into, a reference to the Minister shall be read and construed for the purposes of this Act as a reference to the Treasurer;
18. "permanent establishment" means permanent establishment as defined in the Federal Regulations;
19. "person", or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;
20. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer, and, in any other case, means prescribed by regulation;

R.S.C. 1952,
c. 148

21. "province" does not include the Northwest Territories or the Yukon Territory;
22. "Receiver General of Canada" means the Receiver General of Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement is entered into, a reference to the Receiver General of Canada shall be read and construed for the purposes of this Act as a reference to the Treasurer;
23. "regulation" means a regulation made under this Act;
24. "taxable income" means taxable income as determined in accordance with and for the purposes of the Federal Act subject to variation on objection or on appeal, if any, in accordance with the Federal Act;
25. "taxation year" means a calendar year, and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year;
26. "taxpayer" includes any person whether or not liable to pay tax;
27. "Treasurer" means the Treasurer of Ontario, or, where a collection agreement is entered into, means,
 - i. in relation to the remittance of any amount as or on account of tax payable under this Act, the Receiver General of Canada, and
 - ii. in relation to any other matter, the Minister.1960-61, c. 39, s. 44 (1), *amended*.

(2) The expression "last day of the taxation year" has the *Idem* meaning given to it in subsection 2 of section 33 of the Federal Act.

(3) The tax payable by a taxpayer under this Act or under *Idem* Part I of the Federal Act means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or on appeal, if any, in accordance with this Act or Part I of the Federal Act, as the case may be.

(4) For the purposes of this Act, except where they are *Idem* at variance with the definitions contained in this section, the definitions and interpretations contained in or made by regulation under the Federal Act apply.

Idem

(5) In any case of doubt, the provisions of this Act shall be applied and interpreted in a manner consistent with similar provisions of the Federal Act. *New.*

PART II—INCOME TAX

DIVISION A—LIABILITY FOR TAX

Individuals

2. An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual,

- (a) who was resident in Ontario on the last day of the taxation year; or
- (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3. 1960-61, c. 39, s. 1, *amended.*

DIVISION B—COMPUTATION OF TAX

INDIVIDUAL INCOME TAX

Rate,
individuals

3.—(1) The tax payable under this Act for a taxation year by an individual who resided in Ontario on the last day of the taxation year and had no income earned in the taxation year outside Ontario is the percentage of the tax payable under the Federal Act for that year specified in subsection 3.

Idem

(2) The tax payable under this Act for a taxation year by an individual,

- (a) who resided in Ontario on the last day of the taxation year but had income earned in the taxation year outside Ontario; or
- (b) who did not reside in Ontario on the last day of the taxation year but had income earned in the taxation year in Ontario,

is the amount that bears the same relation to the percentage of the tax payable under the Federal Act for that year specified in subsection 3 that his income earned in the taxation year in Ontario bears to his income for the year.

Idem

(3) For the purposes of this section, the percentage of the tax payable under the Federal Act to be used for computing the tax payable under this section is,

(a)

- (a) 16 per cent in respect of the 1962 taxation year;
- (b) 17 per cent in respect of the 1963 taxation year;
- (c) 18 per cent in respect of the 1964 taxation year;
- (d) 19 per cent in respect of the 1965 taxation year; and
- (e) 20 per cent in respect of the 1966 taxation year.

(4) In this section,

Interpre-
tation

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act, other than under regulations made pursuant to section 66 thereof, for the taxation year in respect of which that expression is being applied, minus any amount included in computing that amount by virtue of subsection 3 of section 10 of the *Old Age Security Act* (Canada), plus any amount deducted in computing that amount by virtue of sections 33 and 41 of the Federal Act; ^{R.S.C. 1952, c. 200}
- (b) "income earned in the taxation year in Ontario" means the income earned in the taxation year in Ontario as determined in accordance with regulations made under paragraph *a* of subsection 3 of section 33 of the Federal Act;
- (c) "income earned in the taxation year outside Ontario" means income for the year minus income earned in the taxation year in Ontario; and
- (d) "income for the year" means,
 - (i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 29 of the Federal Act applies, his income for the period or periods in the year referred to in paragraph *a* of that section as determined in accordance with and for the purposes of the Federal Act,
 - (ii) in the case of an individual not resident in Canada at any time during the taxation year, his income for the year from all duties performed by him in Canada and all businesses carried on by him in Canada as determined in accordance with and for the purposes of the Federal Act, and

(iii)

- (iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act. 1960-61, c. 39, s. 2, *amended*.

DIVISION C—SPECIAL CASES

ARMED FORCES

Rate,
armed
forces

4.—(1) Every individual who is liable to tax in accordance with regulations made pursuant to section 66 of the Federal Act shall, in accordance with regulations made by the Lieutenant Governor in Council, pay a tax for each taxation month in the five-year period commencing on the 1st day of January, 1962, if he was resident in Ontario on the first day of that taxation month.

Idem

(2) The tax payable for a taxation month by an individual to whom subsection 1 applies shall be computed in accordance with tables to be prescribed on the basis of the rates set out in section 3.

Tax in lieu
of tax
otherwise
payable

(3) Except as provided in regulations made pursuant to subsection 1, the tax payable by an individual under this section shall be in lieu of tax otherwise payable under this Act.

Place of
residence

(4) For the purposes of subsection 1, an individual shall be deemed to be resident in Ontario on the first day of a taxation month where, for the purposes of Part XXIII of the Federal Regulations, he is deemed to be resident in Ontario on that day.

Interpre-
tation

(5) In this section, "taxation month" means a taxation month as defined for the purposes of Part XXIII of the Federal Regulations. *New*.

EXEMPTIONS

Exemptions

5. No tax is payable under this Act by any person for a period when that person was exempt from tax by virtue of subsection 1 of section 62 of the Federal Act, and any definitions or descriptions in the Federal Act applying to any such person apply *mutatis mutandis* for the purposes of this Act unless otherwise provided. *New*.

DIVISION D—RETURNS, ASSESSMENTS, PAYMENT AND APPEALS

RETURNS

Returns

6.—(1) A return for each taxation year for which a tax is payable under this Act shall, without notice or demand

therefor,

therefor, be filed with the Treasurer in prescribed form and containing prescribed information,

- (a) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (b) in the case of an estate or trust, within ninety days from the end of the year;
- (c) in the case of any other person, on or before the 30th day of April in the next year, by that person or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or
- (d) in a case where no person described by clause *a* or *c* has filed the return, by such person as is required by notice in writing from the Treasurer to file the return, within such reasonable time as the notice specifies.

(2) Whether or not he is liable to pay tax under this Act ^{Return on demand} for a taxation year and whether or not a return has been filed under subsection 1 or 3, every person shall, on demand by registered letter from the Treasurer, file, within such reasonable time as is stipulated in the registered letter, with the Treasurer in prescribed form and containing prescribed information a return for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees, etc.} curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return for a taxation year as required by this section shall file a return in prescribed form for that year in respect of that person.

(4) Where a partner or an individual who is a proprietor ^{Death of partner, proprietor} of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return for the period after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax payable with respect to the period after the close of the fiscal period to the time of death shall be paid as if that tax were tax payable by another person. 1960-61, c. 39, s. 4, *amended*.

ESTIMATE OF TAX

Estimate

7. Every person required by section 6 to file a return shall in the return estimate the amount of tax payable. 1960-61, c. 39, s. 5, *amended*.

ASSESSMENT

Rules re
assessment

8.—(1) The Treasurer shall, with all due despatch, examine each return required to be filed under this Act and assess the tax for the taxation year and the interest and penalties, if any, payable.

Idem

(2) After examination of a return, the Treasurer shall send a notice of assessment to the person by whom the return was filed.

Idem

(3) Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Idem

(4) The Treasurer may at any time assess tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year, and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(b) within four years from the day referred to in subclause ii of clause *a* in any other case,

re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require.

m

(5) Where a collection agreement is entered into, notwithstanding that more than four years have elapsed since the day referred to in subclause ii of clause *a* of subsection 4, the Minister shall re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require, where the tax payable under Part I of the Federal Act is re-assessed.

(6) Where a taxpayer has filed the return required by *Idem* section 6 for a taxation year and, within one year from the day on or before which he was required by section 6 to file the return for that year, has filed an amended return for the year claiming a deduction from income under paragraph *e* of subsection 1 of section 27 of the Federal Act, in respect of a business loss sustained in the taxation year immediately following that year, the Treasurer shall re-assess the taxpayer's tax for the year.

(7) The Treasurer is not bound by a return or information *Idem* supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.

(8) An assessment shall, subject to being varied or vacated *Idem* on an objection or appeal under this Act and subject to a re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. 1960-61, c. 39, s. 6, *amended*.

PAYMENT OF TAX

9.—(1) Every person paying,

Deductions
at source

- (a) salary or wages or other remuneration to an officer or employee;
- (b) a superannuation or pension benefit;
- (c) a retiring allowance;
- (d) an amount upon or after the death of an officer or employee, in recognition of his services, to his legal representative or widow or to any other person whatsoever;
- (e) an amount as a benefit under a supplementary unemployment benefit plan;
- (f) an annuity payment;
- (g) fees, commissions or other amounts for services; or
- (h) a payment under a deferred profit-sharing plan or a plan referred to in section 79C of the Federal Act as a revoked plan,

at

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the payee's tax for the year under this Act.

Payment of
remainder

(2) Where amounts have been deducted or withheld under this section from the remuneration received by an individual in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable for the year, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 7.

Effect of
deduction

(3) Where an amount has been deducted or withheld under subsection 1, it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. 1960-61, c. 39, s. 7, *amended*.

Farmers
and
fishermen

10.—(1) Every individual whose chief source of income is farming or fishing shall pay to the Treasurer,

(a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him at the rate for the year on his estimated tax payable under the Federal Act for the year or on his tax payable under the Federal Act for the immediately preceding year; and

(b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 7.

Idem, where
collection
agreement

(2) Where a collection agreement is entered into, an individual to whom subsection 1 applies shall pay an amount under clause *a* thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph *a* of section 48 of the Federal Act. 1960-61, c. 39, s. 8, *amended*.

All others

11.—(1) Every individual, other than one to whom subsection 2 of section 9 or section 10 applies, shall pay to the Treasurer,

(a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him at the rate for the year on his estimated tax payable under the Federal Act for the year or on his tax payable under the Federal Act for the immediately preceding year; and

(b)

- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 7.

(2) Where a collection agreement is entered into, an individual to whom subsection 1 applies shall pay an amount under clause *a* thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph *a* of section 49 of the Federal Act. Idem, where collection agreement

(3) For the purposes of section 10 and this section, "tax payable under the Federal Act" for a taxation year has the meaning given that expression in clause *a* of subsection 4 of section 3, whether such taxation year is before or after the coming into force of this Act. 1960-61, c. 39, s. 9, *amended*. Tax Interpretation

12.—(1) The taxpayer shall, within thirty days from the day of mailing of the notice of assessment, pay to the Treasurer any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding. Payment of remainder

(2) Where, in the opinion of the Treasurer, a taxpayer is attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. 1960-61, c. 39, s. 10, *amended*. Payment forthwith

13. Sections 52 and 53, paragraph *e* of subsection 13 of section 63 and paragraph *a* of subsection 2 of section 64 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom the said provisions apply in respect of tax payable under the Federal Act for the same taxation year. *New*. Application of certain provisions

INTEREST

14.—(1) Where the amount paid on account of tax payable by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of 6 per cent per annum. General

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6 per cent per annum from the day on Interest on instalments

or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Limitation

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him with reference to a preceding year or with reference to the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for,

(a) the preceding year; or

(b) the taxation year,

whichever is the lesser.

Instalments,
where
collection
agreement

(4) Notwithstanding subsection 3, where a collection agreement is entered into, for the purposes of subsection 2 the taxpayer shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for the same year as the year by reference to which the part or instalment that he is deemed by subsection 4 of section 54 of the Federal Act to be liable to pay was computed.

Participa-
tion cer-
tificates

(5) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a person is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Where
income
in other
countries
barred from
Canada

(6) Where the income of a taxpayer for a taxation year, or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Treasurer may, if he is satisfied that payment as required by this Act of the whole of the additional tax under this Act for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Treasurer, but no such postponement may be granted if any of the income for the year from sources in that country has been,

(a) transferred to Canada;

(b)

(b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or

(c) disposed of by him,

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

(7) Where a taxpayer is entitled to deduct under section 27 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), for the purpose of computing interest under subsection 1 or 2 on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the Federal Act in respect of that loss. 1960-61, c. 39, s. 13, *amended*. ^{Effect of carry back of loss}

PENALTIES

15.—(1) Every person who has failed to make a return as and when required by subsection 1 of section 6 is liable to a penalty of, ^{Failure to make return}

(a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Act that was unpaid at that time was less than \$2,000; and

(b) \$100, if at the time the return was required to be filed tax payable under this Act equal to \$2,000 or more was unpaid.

(2) Every person who has failed to file a return as required by subsection 3 of section 6 is liable to a penalty of \$10 for each day of default but not more than \$50 in all. ^{Idem}

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 6 is, unless the Treasurer has waived it, liable to a penalty, ^{Failure to complete information}

(a)

(a) of 1 per cent of the tax payable under this Act but, whether he is taxable or not, not less than \$25 or more than \$100; or

(b) of such lesser amount as the Treasurer has fixed in respect of the specific failure.

Idem, where
collection
agreement

(4) Where a collection agreement is entered into, the Minister may refrain from levying or may reduce a penalty provided in this section, if the person who is liable to such penalty is required to pay a penalty under section 55 of the Federal Act. 1960-61, c. 39, s. 14, *amended*.

Statements
and
omissions
in returns

16. Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by him for the year. 1960-61, c. 39, s. 15 (2).

REFUND OF OVERPAYMENT

Refunds

17.—(1) If the return required to be filed by a taxpayer for a taxation year has been made within four years from the end of the year, the Treasurer,

(a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year.

Application
to other
taxes

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action. 1960-61, c. 39, s. 16 (1, 2).

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, ^{Interest on over-payments} interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

- (a) the day when the overpayment arose;
- (b) the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) the day when the return was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection.

(4) Where, by a decision of the Treasurer under section 18 or by a decision of the Supreme Court of Ontario or the ^{Idem, after court judgment} Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 8 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of 3 per cent. 1960-61, c. 39, s. 16 (3, 4), *amended*.

(5) Where a collection agreement is entered into and, by ^{Idem} virtue of a decision referred to in subsection 3a of section 57 of the Federal Act, that subsection applies to any overpayment made under that Act in respect of tax payable by a taxpayer for a taxation year, subsection 4 of this section applies to any overpayment made under this Act in respect of the same year that arose by virtue of the same decision. *New*.

(6) For the purpose of this section, "overpayment" means ^{Interpretation} the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. 1960-61, c. 39, s. 16 (5).

(7) Where a taxpayer is entitled to deduct under section 27 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending

on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the Federal Act in respect of that loss. 1960-61, c. 39, s. 16 (6), *amended*.

OBJECTIONS TO ASSESSMENTS

Notice of
objection

18.—(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts. 1960-61, c. 39, s. 17 (1).

Service of
notice

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the deputy head. 1960-61, c. 39, s. 17 (2), *amended*.

Recon-
sideration

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail.

Idem

(4) A re-assessment made by the Treasurer pursuant to subsection 3 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in subsection 4 of section 8. 1960-61, c. 39, s. 17 (3, 4).

DIVISION E—APPEALS TO THE SUPREME COURT OF ONTARIO

Right of
appeal of
taxpayer

19.—(1) A taxpayer who has served a notice of objection to an assessment under subsection 1 of section 18 may appeal to the Supreme Court to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or
- (b) 180 days have elapsed after service of the notice of objection and the Treasurer has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer in accordance with subsection 3 of section 18 that the Treasurer has confirmed the assessment or re-assessed. 1960-61, c. 39, s. 18 (1), *amended*.

(2) No appeal from an assessment under this Act lies in ^{Where no} respect of the computation of the tax payable under Part I ^{appeal} of the Federal Act. *New.*

(3) An appeal under this section shall be instituted by ^{Notice of} serving upon the Treasurer a notice of appeal in duplicate ^{appeal} in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer appealing resides.

(4) A notice of appeal shall be served upon the Treasurer ^{Service} by being sent by registered mail addressed to the deputy ^{of notice} head. 1960-61, c. 39, s. 18 (2, 3), *amended.*

(5) The taxpayer appealing shall set out in the notice ^{Contents} of appeal a statement of the allegations of fact, the statutory ^{of notice} provisions and the reasons that he intends to submit in support of his appeal. 1960-61, c. 39, s. 18 (4).

(6) The taxpayer appealing shall pay to the Registrar of ^{Fee on} the Supreme Court or the local registrar of the court, as ^{appeal} the case may be, a fee of \$400, or such lesser amount as the Treasurer requires, upon the filing of the copy of the notice of appeal. 1960-61, c. 39, s. 18 (2-5), *amended.*

20.—(1) The Treasurer shall, within sixty days from the ^{Reply} day the notice of appeal is received or within such further time as a judge of the court may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on. 1960-61, c. 39, s. 19 (1), *amended.*

(2) A judge of the court may, in his discretion, strike out ^{Striking} a notice of appeal or any part thereof for failure to comply ^{out or} with subsection 5 of section 19 and may permit an amendment ^{amending} to be made to a notice of appeal or a new notice of appeal to ^{notice of} be substituted for the one struck out. ^{appeal}

(3) A judge of the court may, in his discretion, Idem

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

(4)

Disposal
of appeal
where
notice
struck out

(4) Where a notice of appeal is struck out for failure to comply with subsection 5 of section 19 and a new notice of appeal is not filed as and when permitted by a judge of the court, a judge of the court may, in his discretion, dispose of the appeal by dismissing it.

Disposal
of appeal
where reply
struck out

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by a judge of the court within the time ordered, a judge of the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. 1960-61, c. 39, s. 19 (2-5), *amended*.

Appeal
deemed
an action

21.—(1) Upon the filing of the material referred to in sections 19 and 20, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Pleading
of other
matters

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it and,

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the assessment, or

(iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Order for
payment

(4) The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Treasurer. 1960-61, c. 39, s. 20.

Proceedings
in camera

22. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer. 1960-61, c. 39, s. 21, *amended*.

S.C.O.
practice
to govern

23. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating

relating to appeals, apply to every matter deemed to be an action under section 21, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. 1960-61, c. 39, s. 22.

24. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act or of the Federal Act where such provision in that Act applies in respect of any action under this Act. 1960-61, c. 39, s. 23, *amended*. ^{Irregularities}

PART III — ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

25.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the deputy head may exercise all the powers and perform the duties of the Treasurer under this Act. 1960-61, c. 39, s. 24 (1), *amended*. ^{Administration of Act}

(2) The Treasurer may at any time extend the time for making a return under this Act. ^{Extensions of time for returns}

(3) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons. 1960-61, c. 39, s. 24 (2, 3). ^{Security for taxes}

(4) Any person employed in connection with the administration or enforcement of this Act may, in the course of his employment, ^{Administration of oaths}

(a) if he is designated by the Treasurer for the purpose;
or

(b) where a collection agreement is entered into, if he is a person designated by the Minister under the Federal Act for the purposes of subsection 5 of section 116 of that Act,

administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations and every person so designated has for such purposes all the powers of a commissioner for taking affidavits. *New.*

Regulations

26.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;
- (b) providing in any case of doubt the circumstances in which, and extent to which, the Federal Regulations apply; and
- (c) generally to carry out the purposes of this Act. 1960-61, c. 39, s. 25, *amended*.

Application of Federal Regulations

(2) Except to the extent that they are inconsistent with any regulations made under subsection 1 or are expressed by any regulation made under subsection 1 to be inapplicable, the Federal Regulations made under section 117 of the Federal Act apply *mutatis mutandis* for the purposes of this Act with respect to all matters enumerated in that section.

Publication of regulations

(3) No regulation made under this Act or under the Federal Act where it is applicable *mutatis mutandis* has effect for the purposes of this Act until it has been published in *The Ontario Gazette* or *The Canada Gazette*, as the case may be, but, when so published, a regulation is, if it so provides, effective with reference to a period before it was published. *New*.

ENFORCEMENT

Taxes, etc., are debts

27. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Ontario and are recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act. 1960-61, c. 39, s. 26.

Certificate of indebtedness

28.—(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may be certified by the Treasurer,

- (a) where there has been a direction by the Treasurer under subsection 2 of section 12, forthwith after such direction; and
- (b) otherwise, upon the expiration of thirty days after the default.

Registration of certificate

(2) On production to the Supreme Court, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect and all pro-

ceedings may be taken thereon as if the certificate were a judgment obtained in the court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. *New.* Recovery of costs, etc.

29.—(1) Where the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that person in whole or in part to the Treasurer on account of the liability under this Act. 1960-61, c. 39, s. 27 (1), *amended.* Requisition of moneys owed to taxpayer

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. 1960-61, c. 39, s. 27 (2). Effect of receipt

(3) Where the Treasurer has, under this section, required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as is stipulated by the Treasurer in the registered letter. Continuing effect of requisition

(4) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is the lesser. Penalty for failure to comply

(5) Where the person who is or is about to become indebted or liable carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee. Service on certain firms

Service on
partnership

(6) Where the persons who are or are about to become indebted or liable carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. 1960-61, c. 39, s. 27 (3-6), *amended*.

Seizure of
goods on
default in
payment

30.—(1) Where a person has failed to make a payment as required by this Act, the Treasurer, on giving ten days notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default that are located in Ontario be seized.

Sale of
goods
seized

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction.

Notice
of sale

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

Disposal
of surplus

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized.

Exemptions
from seizure

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Supreme Court are exempt from seizure under this section. *New*.

Demand
for
payment

31.—(1) Where the Treasurer suspects that a taxpayer is about to leave Ontario or Canada, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived and the same shall be paid forthwith notwithstanding any other provision of this Act.

Seizure of
goods for
failure to
comply
with
demand

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Treasurer may direct that the goods and chattels of the taxpayer

that

that are located in Ontario be seized and subsections 2 to 5 of section 30 are thereupon applicable *mutatis mutandis*. 1960-61, c. 39, s. 30, *amended*.

32.—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act. Certain actions barred

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 9 shall, from time to time as prescribed, file a return with his employer in prescribed form. Returns by employees

(3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 9 made as though he were an unmarried person without dependants. Effect of failure to file return

(4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Ontario. 1960-61, c. 39, s. 31 (1-4). Trust created

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys and, where a collection agreement is entered into, such amounts shall be kept with amounts deducted or withheld by that person under the Federal Act. *New*. Deductions to be kept separate

(6) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Ontario, Penalty for failure to deduct

(a) if the amount should have been deducted or withheld under section 9 from an amount that has been paid to a person resident in Ontario, 10 per cent of the amount that should have been deducted or withheld; and

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10 per cent per annum. 1960-61, c. 39, s. 31 (7).

(7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10 per

cent per annum; but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is liable therefor is liable to pay a penalty under subsection 9 of section 123 of the Federal Act by reason of a failure to pay an amount described in paragraph *a* of that subsection.

Assessment
for amount
deducted

(8) The Treasurer may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Division D of Part II is applicable *mutatis mutandis*.

Deduction
provisions
applicable
to Crown

(9) The provisions of this Act that require a person to deduct or withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to Her Majesty in right of Ontario. 1960-61, c. 39, s. 31 (8-10), *amended*.

Agreements
not to
deduct void

(10) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

Effect of
receipt

(11) The receipt of the Treasurer for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. 1960-61, c. 39, s. 31 (11, 12).

GENERAL

Records to
be kept

33.—(1) Every person carrying on business in Ontario and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account (including an annual inventory kept in prescribed manner) at his place of business or residence in Ontario or at such other place as is designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined. 1960-61, c. 39, s. 32 (1), *amended*.

Idem

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he specifies and that person shall thereafter keep records and books of account as so required.

Retention
of records

(3) Every person required by this section to keep records and books of account shall, until written permission for their

disposal

disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. 1960-61, c. 39, s. 32 (2, 3).

34.—(1) Any person thereunto authorized by the Treasurer^{Right of entry, etc.} for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on in Ontario or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a contravention of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter^{Requisition of information} or by a demand served personally, require from any person,

- (a) any information or additional information, including a return of income or a supplementary return; or

(b)

- (b) production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents,

within such reasonable time as is stipulated therein. 1960-61, c. 39, s. 33 (1, 2), *amended*.

Search
warrants

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Treasury Department, together with such peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place in Ontario for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. 1960-61, c. 39, s. 33 (4), *amended*.

Inquiries

(4) The Treasurer may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Treasury Department, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act. 1960-61, c. 39, s. 33 (6), *amended*.

Certified
copies of
documents

(5) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Hindering

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do. 1960-61, c. 39, s. 33 (7, 8), *amended*.

(7) Every person thereunto authorized by the Treasurer <sup>Administra-
tion of oaths</sup> may administer or receive an oath, affirmation or statutory declaration required to be given by or pursuant to this section. *New.*

(8) For the purpose of an inquiry authorized under sub- <sup>Powers on
inquiry</sup> section 4, the person authorized to make the inquiry has all the powers and authority that may be conferred on a commissioner appointed under *The Public Inquiries Act*. 1960-61, <sup>R.S.O. 1960,
c. 323</sup> c. 39, s. 33 (10).

35.—(1) Section 126A of the Federal Act applies *mutatis* <sup>Application
of s. 126A
of Federal
Act</sup> *mutandis* for the purposes of this Act where, in the same or similar circumstances, that section is or would be applicable for the purposes of the Federal Act.

(2) For the purposes of this section, a reference to the Deputy Attorney General of Ontario shall be substituted for <sup>Reference to
Deputy A.G.</sup> any reference to the Deputy Attorney General of Canada in section 126A of the Federal Act, but, where a collection agreement is entered into, section 126A of the Federal Act shall be read without such reference being substituted. *New.*

36. Whether or not he has filed an information return as <sup>Filing of
information
on demand</sup> required by a regulation made under paragraph *d* of subsection 1 of section 117 of the Federal Act as it applies by virtue of subsection 2 of section 26 of this Act, every person shall, on demand by registered letter from the Treasurer, file within such reasonable time as is stipulated in the registered letter with the Treasurer such prescribed information return as is designated in the letter. 1960-61, c. 39, s. 34, *amended.*

37.—(1) Every person who fails to comply with a regulation <sup>Penalty for
failure to
comply with
regulations</sup> made under paragraph *d* or *e* of subsection 1 of section 117 of the Federal Act, as it applies by virtue of subsection 2 of section 26 of this Act, is liable in respect of each failure to so comply to a penalty of \$10 a day for each day of default but not more than \$2,500 in all.

(2) Every person who fails to comply with a regulation ^{Idem} made under section 26 or incorporated by reference by virtue of subsection 2 thereof is liable to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. 1960-61, c. 39, s. 36, *amended.*

38. A return, certificate or other document made by a <sup>Signature of
corporations</sup> corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. 1960-61, c. 39, s. 37.

OFFENCES

Offence,
failure to
file return

39.—(1) Every person who fails to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

Offences,
certain

(2) Every person who fails to comply with or contravenes subsection 1 of section 9, subsection 5 of section 32, section 33 or section 34 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (a) a fine of not less than \$200 and not more than \$10,000; or
- (b) both the fine described in clause *a* and imprisonment for a term of not more than six months. 1960-61, c. 39, s. 38 (1, 2), *amended*.

Saving

(3) Where a person has been convicted under this section of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 15, 32 or 37 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information giving rise to the conviction was laid. 1960-61, c. 39, s. 38 (3).

Offences,
certain

40. Every person who has,

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or

(e)

- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine described in clause *f* and imprisonment for a term of not more than two years. 1960-61, c. 39, s. 39 (1).

41. Where a collection agreement is entered into and proceedings under section 131 or 132 of the Federal Act are taken against any person, the Minister may take or refrain from taking any action against such person contemplated by section 39 or 40 of this Act, as the case may be. *New.* ^{Ministerial discretion}

42.—(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1960-61, c. 39, s. 40, *amended.* ^{Offence, secrecy}

(2) Where a collection agreement is entered into, this section does not apply to the communication of information between the Minister and the Treasurer. *New.* ^{Where section not applicable}

43. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. ^{Liability of corporation officers}

44. Notwithstanding any other statute or law in force at the commencement of this Act, a court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and a court has no power to suspend sentence. 1960-61, c. 39, ss. 41, 42. ^{No decrease in penalties}

PROCEDURE AND EVIDENCE

Application
of s. 136 of
Federal Act

45.—(1) Section 136 of the Federal Act applies *mutatis mutandis* with respect to procedure and evidence relating to an information under this Act.

Application
of certain
references

(2) Where a collection agreement is entered into, the references in section 136 of the Federal Act to the Royal Canadian Mounted Police and to an officer of the Department of National Revenue apply under this Act; but, where no collection agreement is entered into, a reference to the Royal Canadian Mounted Police in that section shall be construed as a reference to the Ontario Provincial Police Force and any reference to an officer of the Department of National Revenue shall be construed as a reference to an officer of the Treasury Department. *New.*

PART IV — COLLECTION OF TAX

COLLECTION AGREEMENT

Agreement
authorized

46.—(1) The Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into a collection agreement with the Government of Canada pursuant to which the Government of Canada will collect taxes payable under this Act on behalf of Ontario and will make payments to Ontario in respect of the taxes so collected in accordance with such terms and conditions as the collection agreement prescribes.

Supple-
mental
agreements
authorized

(2) The Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into an agreement amending the terms and conditions of a collection agreement entered into pursuant to subsection 1.

Transfer
of powers
and duties

(3) Where a collection agreement is entered into, the Minister, on behalf of, or as agent for, the Treasurer, is hereby authorized to employ all the powers, to perform all the duties and to exercise any discretion that the Treasurer or the deputy head has under this Act including the discretion to refuse to permit the production in judicial or other proceedings in Ontario of any document that it is not, in the opinion of the Minister, in the interests of public policy to produce.

Idem

(4) Where a collection agreement is entered into, the Deputy Minister of National Revenue for Taxation of Canada may,

- (a) employ all the powers, perform the duties and exercise any discretion that the Minister has under subsection 3 or otherwise under this Act; and
- (b) designate officers of his Department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under the Federal Act. 1960-61, c. 40, s. 1, *amended*.

PAYMENTS ON ACCOUNT

47.—(1) A collection agreement may provide that, where any payment is received by the Minister on account of tax ^{Application of payments by taxpayer} payable by a taxpayer for a taxation year under this Act, the Federal Act or an income tax statute of another agreeing province, or under any two or more such Acts or statutes, the payment so received may be applied by the Minister towards the tax payable by the taxpayer under any such Act or statute in such manner as is specified in the agreement, notwithstanding that the taxpayer directed that the payment be applied in any other manner or made no direction as to its application.

(2) Any payment or part thereof applied by the Minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act ^{No further liability} relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied. *New*.

DEDUCTIONS AT SOURCE

48. Where a collection agreement is entered into and an amount is remitted to the Minister under section 9 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province, no action ^{Where no action by employee} lies for recovery of such amount by that individual.

49.—(1) Where a collection agreement is entered into, an individual resident in Ontario on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his tax for that year under the income tax statute of another agreeing province. ^{Application of tax paid by employee}

(2) Where the total amount deducted or withheld on account of tax payable under this Act and under the income tax statute of another agreeing province by an individual resident in Ontario on the last day of the taxation year to whom subsection 1 applies exceeds the tax payable by him

under

under this Act for that year, section 17 of this Act applies in respect of such individual as though the excess were an over-payment under this Act. *New.*

RECIPROCAL ENFORCEMENT OF JUDGMENTS

Enforcement
of judgments

50.—(1) A judgment of a superior court of an agreeing province under that province's income tax statute, including any certificate registered in such superior court in a manner similar to that provided in subsection 2 of section 28, may be enforced in the manner provided in *The Reciprocal Enforcement of Judgments Act*.

R.S.O. 1960,
c. 345

Idem

(2) For the purposes of subsection 1, where a judgment of a superior court of an agreeing province is sought to be registered under *The Reciprocal Enforcement of Judgments Act*, such judgment shall be registered, notwithstanding that it is established that one or more of the provisions of section 3 of that Act apply.

Idem

(3) For the purposes of subsection 1, the Lieutenant Governor in Council may make regulations to enable the enforcement of judgments in respect of taxes in agreeing provinces to be enforced in Ontario. *New.*

PART V — TRANSITIONAL, ETC.

Repeal:

51. The following are repealed:

1947, c. 48

1. *The Income Tax Suspension Act, 1947.*

1948, c. 45

2. *The Income Tax Suspension Act, 1948.*

1949, c. 43

3. *The Income Tax Suspension Act, 1949.*

R.S.O. 1950,
c. 175

4. *The Income Tax Act.*

1951, c. 38

5. *The Income Tax Suspension Act, 1951.*

1952, c. 40

6. *The Income Tax Suspension Act, 1952.*

1952 (2nd
Sess.), c. 1

7. *The Corporations and Income Taxes Suspension Act, 1952.*

1953, c. 20

8. *The Corporations and Income Taxes Suspension Amendment Act, 1953.*

1960-61, c. 39

9. *The Income Tax Act, 1960-61.*

1960-61, c. 40

10. *The Income Tax Agency Agreement Act, 1960-61.*

52. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

53. This Act may be cited as *The Income Tax Act, 1961-62*. Short title

CHAPTER 61

An Act to amend The Income Tax Act, 1961-62

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of subsection 1 of section 1 of *The 1961-62, c. 60, s. 1, subs. 1, par. 1, re-enacted*
Income Tax Act, 1961-62 is repealed and the following substituted therefor:

1. “agreeing province” means a province that has entered into an agreement with the Government of Canada under which the Government of Canada will collect taxes payable under the income tax statute of that province and will make payments to that province in respect of the taxes so collected.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: *1961-62, c. 60, s. 1, subs. 1, amended*

- 16a. “member of the Canadian Forces” means a member as defined for the purposes of Part XXIII of the Federal Regulations.

(3) Paragraph 25 of subsection 1 of the said section 1 is *1961-62, c. 60, s. 1, subs. 1, par. 25, re-enacted*
 repealed and the following substituted therefor:

25. “taxation year” means,

- i. in the case of an individual, a calendar year, and
- ii. in the case of an estate or trust arising on death, notwithstanding clause *a*, a taxation year as defined in paragraph *a* of subsection 13 of section 63 of the Federal Act,

and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year.

1961-62,
c. 60,
s. 1, subs. 2, following substituted therefor:

Idem

- (2) The expression "last day of the taxation year" shall, in the case of an individual who resided in Canada at any time in the taxation year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in the taxation year on which he resided in Canada.

1961-62,
c. 60,
s. 2,
re-enacted

2. Section 2 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Income tax
on
individuals

- 2.—(1) An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual, other than an individual to whom subsection 2 applies,

- (a) who was resident in Ontario on the last day of the taxation year; or
- (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

Income tax
on members
of the
Canadian
Forces

- (2) An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual who, during the taxation year, was a member of the Canadian Forces to whom section 5 applies.

1961-62,
c. 60,
s. 3, subs. 4,
cl. *a*,
re-enacted

3.—(1) Clause *a* of subsection 4 of section 3 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied, minus any amount included in computing that amount by virtue of subsection 3 of section 10 of the *Old Age Security Act* (Canada), plus any amount deducted in computing that amount by virtue of sections 33 and 41 of the Federal Act.

R.S.C. 1952,
c. 200

1961-62,
c. 60,
s. 3, subs. 4,
amended

- (2) Subsection 4 of the said section 3 is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:

- (e) "individual" does not include an individual who was a member of the Canadian Forces during the taxation year to which section 5 applies.

4. Section 4 of *The Income Tax Act, 1961-62* is repealed^{1961-62, c. 60, s. 4, re-enacted} and the following substituted therefor:

4.—(1) This section applies to an individual who, during a taxation year, was a member of the Canadian Forces and who, ^{Allocation of tax on members of the Canadian Forces}

(a) on the first day of a taxation month in the taxation year, performed his normal duties as a member of the Canadian Forces, or would have performed his normal duties as a member of the Canadian Forces if he had not been on temporary duty or on temporary attachment, at a place located within Ontario or on board a sea-going ship, the home port of which is located within Ontario;

(b) was resident in Ontario on the last day of the taxation year and had income earned in the taxation year from sources other than employment as a member of the Canadian Forces during that taxation year; or

(c) not being a resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario from sources other than employment as a member of the Canadian Forces during that taxation year.

(2) The Lieutenant Governor in Council may by regulation provide for the determination of the amount of tax payable for a taxation year by an individual who was a member of the Canadian Forces during that taxation year to whom this section applies, based on rates applicable to other individuals under this Act, and may provide for the manner in which the tax so determined is to be paid. ^{Determination of amount of tax}

(3) In this section,

^{Interpretation}

(a) "income earned in the taxation year in Ontario from sources other than employment as a member of the Canadian Forces" has the same meaning as "income earned in the taxation year in Ontario" as defined in clause *b* of subsection 4 of section 3, except that, in applying that definition in the case of a member of the Canadian Forces, he shall be deemed to have had no income from employment as a member of the Canadian Forces

in the taxation year and the amount of his income from sources other than his employment as a member of the Canadian Forces earned in that taxation year shall be computed with reference to the provisions of Part XXIII of the Federal Regulations;

- (b) "taxation month" means a taxation month as defined for the purposes of Part XXIII of the Federal Regulations.

1961-62,
c. 60,
s. 13,
re-enacted

5. Section 13 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Application
of certain
provisions

13. Sections 52 and 53, subsection 2 of section 63, paragraph *e* of subsection 13 of section 63 and paragraph *a* of subsection 2 of section 64 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

1961-62,
c. 60,
s. 47, subs. 2,
re-enacted

6. Subsection 2 of section 47 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

No further
liability

(2) Any payment or part thereof applied by the Minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act,

(a) relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied; and

(b) shall be deemed to have been applied in accordance with a direction made by the taxpayer.

1961-62,
c. 60,
s. 48,
re-enacted

7. Section 48 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Where no
action by
employee

48. Where a collection agreement is entered into and an amount is remitted to the Minister under section 9 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province,

(a) no action lies for the recovery of such amount by that individual; and

(b) the amount may not be applied in discharge of any liability of that individual under this Act.

8. *The Income Tax Act, 1961-62* is amended by adding thereto the following section: 1961-62,
c. 60,
amended

49a.—(1) In this section, Interpre-
tation

(a) “adjusting payment” means a payment, calculated in accordance with this section, made by or on the direction of the Government of Ontario to a non-agreeing province;

(b) “non-agreeing province” means a province that is not an agreeing province.

(2) Where in respect of a taxation year the Treasurer or the Minister of Finance of a non-agreeing province is authorized to make a payment to Ontario that is similar to an adjusting payment, the Lieutenant Governor in Council may authorize the Treasurer to make an adjusting payment to that non-agreeing province and to enter into any agreement that may be necessary to carry out the purposes of this section. Adjust-
ments
between
Ontario and
non-agreeing
province

(3) Where a collection agreement is entered into, the adjusting payment that may be made pursuant to subsection 2 may be made by the Government of Canada where it has agreed to act on the direction of Ontario as communicated by the Treasurer to the Minister. Basis of
payment
under
collection
agreement

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 9 in respect of the tax payable for a taxation year by individuals who file returns under the Federal Act in respect of that year and who are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made. Calculation
of adjusting
payment

(5) Where an adjusting payment is to be made and an amount has been remitted under section 9 on account of the tax for a taxation year of an individual who is resident on the last day of that taxation year in the non-agreeing province, Where no
action by
employee

(a) no action lies for the recovery of such amount by that individual; and

(b) the amount may not be applied in discharge of any liability of that individual under this Act.

(6) Where an adjusting payment to a non-agreeing province is to be made under this section for a tax- Application
of tax paid
by employee

tion year, an individual resident in Ontario on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his income tax for that year under the law of that non-agreeing province.

Idem

- (7) Where an adjusting payment to a non-agreeing province is to be made under this section for a taxation year, the total amount deducted or withheld on account of tax payable under this Act and on account of the income tax payable under the law of the non-agreeing province by an individual resident in Ontario on the last day of the taxation year to whom subsection 6 applies exceeds the tax payable by him under this Act for that year, section 17 of this Act applies in respect of such individual as though the excess were an overpayment under this Act.

Adjustment
of payment
to agreeing
province
under
collection
agreement

- (8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Ontario to make an adjusting payment on behalf of Ontario, the adjusting payment,

(a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and

(b) shall be the amount calculated by the Minister to be the amount required to be paid under subsection 4,

and the payment thereof discharges any obligation the Government of Canada may have with respect to the payment to Ontario of any amount remitted under section 9 to which subsection 5 applies.

Application
of Act

9.—(1) This Act, except section 7, applies in respect of the taxation year 1962 and in respect of subsequent taxation years.

Idem

(2) Section 7 applies in respect of the taxation year 1963 and in respect of subsequent taxation years.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Income Tax Amendment Act, 1961-62*.

CHAPTER 62

An Act to amend The Infants Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Infants Act* is amended by striking out “Supreme Court or the surrogate court of the county or district in which the infant resides” in the first and second lines and inserting in lieu thereof “court”, so that the subsection shall read as follows:

- (1) The court, upon the application of the father or the mother of an infant, who may apply without a next friend, may make such order as the court sees fit regarding the custody of the infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for such costs, or otherwise, as the court deems just.

(2) The said section 1 is amended by adding thereto the following subsection:

- (1a) In subsection 1, “court” means the Supreme Court or the surrogate court of the county or district in which the infant resides at the time the proceedings under that subsection are commenced.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Infants Amendment Act*.

CHAPTER 63

An Act to amend The Insurance Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Insurance Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 190, s. 1,
amended

- 1a. “accidental death insurance” means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay an additional amount of insurance money in the event of the death by accident of the person whose life is insured.

(2) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 190, s. 1,
par. 16,
re-enacted

16. “disability insurance” means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay insurance money or to provide other benefits in the event that the person whose life is insured becomes disabled as a result of bodily injury or disease.

(3) Paragraph 17 of the said section 1 is repealed.

R.S.O. 1960,
c. 190, s. 1,
par. 17,
repealed

(4) Paragraph 24 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 190, s. 1,
par. 24,
re-enacted

24. “fraternal society” means a society, order or association incorporated for the purpose of making with its members only, and not for profit, contracts of life, accident or sickness insurance in accordance with its constitution, by-laws and rules and this Act.

(5) Paragraph 36 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 190, s. 1,
par. 36,
re-enacted

36. "life insurance" means insurance whereby an insurer undertakes to pay insurance money,

(a) on death; or

(b) on the happening of an event or contingency dependent on human life; or

(c) at a fixed or determinable future time; or

(d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes accidental death insurance but not accident insurance.

R.S.O. 1960,
c. 190, s. 26,
re-enacted

2. Section 26 of *The Insurance Act* is repealed and the following substituted therefor:

Scope of life
insurance
licence

26. Every insurer licensed for the transaction of life insurance may, under the authority of its licence, unless the licence expressly provides otherwise,

(a) include in any policy of life insurance, in respect of the same life or lives insured thereby, disability insurance and accidental death insurance; and

(b) transact annuities of all kinds and insurance providing for the establishment of accumulation or endowment funds.

R.S.O. 1960,
c. 190,
amended

3. *The Insurance Act* is amended by adding thereto the following section:

Separate
fund
required

80a.—(1) Where an insurer incorporated and licensed for the transaction of life insurance under the law of Ontario in the exercise of its powers issues policies such that the reserves therefor to be included in the annual statement pursuant to section 76 vary in amount depending upon the market value of a specified group of assets, the insurer shall maintain in respect of such policies one or more separate and distinct funds with separate assets for each such fund.

How
separate
fund may
be created

(2) This fund or these funds may be created by the insurer, if duly authorized by by-law, by transfers from the shareholders' fund or, if duly authorized by a special general meeting of the insurer, by transfers from the life insurance funds, but the aggregate of all transfers for this purpose shall not exceed \$100,000.

- (3) Where a separate and distinct fund with separate assets is maintained pursuant to subsection 1, the assets of the fund so maintained are available only to meet the liabilities arising under policies in respect of which that fund is maintained and are not liable for the payment of claims arising from any other policies; but any assets that remain in any such fund after the discharge of all of the insurer's liabilities in respect of the policies for which that fund is maintained may be transferred to such other fund as the directors determine. Segregation of assets
- (4) Where the policies in respect of which a separate and distinct fund with separate assets is maintained are such that the reserves therefor to be included in the annual statement pursuant to section 76 vary in amount depending upon the market value of the assets of the fund, the percentage limits specified in subsections 7 and 8 of section 208 of *The Corporations Act* do not apply to the investments and loans constituting the assets of the fund, and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account. Exception from investment limitations
R.S.O. 1960, c. 71
- (5) Except as required in subsection 4, where a separate and distinct fund with separate assets is maintained by an insurer, the percentage limits specified in subsections 4, 7 and 8 of section 208 of *The Corporations Act* apply to the investments and loans constituting the assets of the fund as if those assets were the total assets of the insurer. Investment limitations

4. Part V of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Part V (ss. 137-190), re-enacted; (ss. 191-197), repealed

PART V

LIFE INSURANCE

INTERPRETATION

137. In this Part,

Interpre-
tation

- (a) "application" means an application for insurance or for the reinstatement of insurance;
- (b) "beneficiary" means a person, other than the insured or his personal representative, to whom or for whose benefit insurance money is made payable in a contract or by a declaration;

(c)

- (c) "contract" means a contract of life insurance;
- (d) "court" means the Supreme Court or a judge thereof;
- (e) "creditor's group insurance" means insurance effected by a creditor in respect of the lives of his debtors whereby the lives of the debtors are insured severally under a single contract;
- (f) "declaration" means an instrument signed by the insured,
 - (i) with respect to which an endorsement is made on the policy, or
 - (ii) that identifies the contract, or
 - (iii) that describes the insurance or insurance fund or a part thereof,in which he designates, or alters or revokes the designation of, his personal representative or a beneficiary as one to whom or for whose benefit insurance money is to be payable;
- (g) "family insurance" means insurance whereby the lives of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (h) "group insurance" means insurance, other than creditor's group insurance and family insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (i) "group life insured" means a person whose life is insured by a contract of group insurance but does not include a person whose life is insured under the contract as a person dependent upon, or related to, him;
- (j) "instrument" includes a will;
- (k) "insurance" means life insurance;
- (l) "insured",
 - (i) in the case of group insurance, means, in the provisions of this Part relating to the designation of beneficiaries and the rights and status of beneficiaries, the group life insured, and

- (ii) in all other cases, means the person who makes a contract with an insurer;
- (m) "life insurance" includes disability insurance and accidental death insurance;
- (n) "will" includes a codicil.

APPLICATION OF PART

138.—(1) Notwithstanding any agreement, condition or ^{Application} stipulation to the contrary, this Part applies to a contract made in Ontario on or after the day on which this section comes into force, and, subject to subsections 2 and 3, applies to a contract made in Ontario before that day.

(2) The rights and interests of a beneficiary for value under a contract that was in force immediately prior to the day on which this section comes into force are those provided in Part V of the Insurance Act then in force. ^{Beneficiary for value}

(3) Where the person who would have been entitled to the payment of insurance money, if the money had become payable immediately prior to the day on which this section comes into force, was a preferred beneficiary within the meaning of Part V of the Insurance Act then in force, the insured may not, except in accordance with that Part, ^{Preferred beneficiary}

- (a) alter or revoke the designation of a beneficiary; or
- (b) assign, exercise rights under or in respect of, surrender or otherwise deal with the contract,

but this subsection does not apply after a time at which the insurance money, if it were then payable, would be payable wholly to a person other than a preferred beneficiary within the meaning of that Part.

139. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining, ^{Group insurance}

- (a) the rights and status of beneficiaries if the group life insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group life insured if he was resident in Ontario at the time he became insured.

ISSUANCE OF POLICY AND CONTENTS THEREOF

Insurer to
issue
policy

140.—(1) An insurer entering into a contract shall issue a policy.

Documents
forming
contract

(2) Subject to subsection 3, the provisions in,

(a) the application; and

(b) the policy; and

(c) any document attached to the policy when issued;
and

(d) any amendment to the contract agreed upon in
writing after the policy is issued,

constitute the entire contract.

Contract of
fraternal
society

(3) In the case of a contract made by a fraternal society, the policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant constitute the entire contract.

Copy of
application

(4) An insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

Exceptions

141.—(1) This section does not apply to a contract,

(a) of group insurance; or

(b) of creditor's group insurance; or

(c) made by a fraternal society.

Contents
of policy

(2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person whose life is insured.

2. The amount, or the method of determining the amount, of the insurance money payable, and the conditions under which it becomes payable.

3. The amount, or the method of determining the amount, of the premium and the period of grace, if any, within which it may be paid.

4. Whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.
5. The conditions upon which the contract may be reinstated if it lapses.
6. The options, if any,
 - (a) of surrendering the contract for cash;
 - (b) of obtaining a loan or an advance payment of the insurance money; and
 - (c) of obtaining paid-up or extended insurance.

142. In the case of a contract of group insurance or of creditor's group insurance, an insurer shall set forth the following particulars in the policy: ^{Contents of group policy}

1. The name or a sufficient description of the insured.
2. The method of determining the persons whose lives are insured.
3. The amount, or the method of determining the amount, of the insurance money payable, and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. Whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.

143. In the case of a contract of group insurance, an insurer shall issue, for delivery by the insured to each group life insured, a certificate or other document in which are set forth the following particulars: ^{Contents of group certificate}

1. The name of the insurer and an identification of the contract.
2. The amount, or the method of determining the amount, of insurance on the group life insured and on any person whose life is insured under the contract as a person dependent upon, or related to, him.

3. The circumstances in which the insurance terminates and the rights, if any, upon such termination, of the group life insured or of any person whose life is insured under the contract as a person dependent upon, or related to, him.

CONDITIONS GOVERNING FORMATION OF CONTRACT

Insurable
interest

144.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect the insured has no insurable interest, the contract is void.

Exceptions

(2) A contract is not void for lack of insurable interest,

(a) if it is a contract of group insurance; or

(b) if the person whose life is insured has consented in writing to the insurance being placed on his life.

Consent
of minor

(3) Where the person whose life is insured is under the age of sixteen years, consent to insurance being placed on his life may be given by one of his parents or by a person standing *in loco parentis* to him.

Insurable
interest,
defined

145. Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and in the life of,

(a) his child or grandchild;

(b) his spouse;

(c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;

(d) his employee; and

(e) any person in the duration of whose life he has a pecuniary interest.

Contract
taking
effect

146.—(1) Subject to any provision to the contrary in the application or the policy, a contract does not take effect unless,

(a) the policy is delivered to an insured, his assign or agent, or to a beneficiary;

(b) payment of the first premium is made to the insurer or its authorized agent; and

(c)

- (c) no change has taken place in the insurability of the life to be insured between the time the application was completed and the time the policy was delivered.

(2) Where a policy is issued on the terms applied for and is delivered to an agent of the insurer for unconditional delivery to a person referred to in clause *a* of subsection 1, it shall be deemed, but not to the prejudice of the insured, to have been delivered to the insured. ^{Delivery to agent}

147.—(1) Where a cheque or other bill of exchange, or a promissory note or other written promise to pay, is given for the whole or part of a premium and payment is not made according to its tenor, the premium or part thereof shall be deemed not to have been paid. ^{Default in paying premium}

(2) Where a remittance for or on account of a premium is sent in a registered letter to an insurer and is received by it, the remittance shall be deemed to have been received at the time of the registration of the letter. ^{Payment by registered letter}

148.—(1) Except in the case of group insurance, an assignee of a contract, a beneficiary or a person acting on behalf of one of them or of the insured may pay any premium that the insured is entitled to pay. ^{Who may pay premium}

(2) Where a premium, other than the initial premium, is not paid at the time it is due, the premium may be paid within a period of grace of, ^{Period of grace}

- (a) thirty days or, in the case of an industrial contract, twenty-eight days from and excluding the day on which the premium is due; or
- (b) the number of days, if any, specified in the contract for payment of an overdue premium,

whichever is the longer period.

(3) Where the happening of the event upon which the insurance money becomes payable occurs during the period of grace and before the overdue premium is paid, the contract shall be deemed to be in effect as if the premium had been paid at the time it was due, but the amount of the premium, together with interest at the rate specified in the contract, but not exceeding 6 per cent per annum, and the balance, if any, of the current year's premium, may be deducted from the insurance money. ^{Contract in force during grace period}

Duty to
disclose

149.—(1) An applicant for insurance and a person whose life is to be insured shall each disclose to the insurer in the application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

Failure to
disclose

(2) Subject to section 150, a failure to disclose, or a misrepresentation of, such a fact renders the contract voidable by the insurer.

Exceptions

150.—(1) This section does not apply to a misstatement of age or to disability insurance.

Incontest-
ability

(2) Subject to subsection 3, where a contract has been in effect for two years during the lifetime of the person whose life is insured, a failure to disclose, or a misrepresentation of, a fact required to be disclosed by section 149 does not, in the absence of fraud, render the contract voidable.

Incontest-
ability in
group
insurance

(3) In the case of a contract of group insurance, a failure to disclose, or a misrepresentation of, such a fact in respect of a person whose life is insured under the contract does not render the contract voidable, but, if evidence of insurability is specifically requested by the insurer, the insurance in respect of that person is voidable by the insurer unless it has been in effect for two years during the lifetime of that person, in which event it is not, in the absence of fraud, voidable.

Non-
disclosure
by insurer

151. Where an insurer fails to disclose, or misrepresents, a fact material to the insurance, the contract is voidable by the insured, but, in the absence of fraud, the contract is not by reason of such failure or misrepresentation voidable after the contract has been in effect for two years.

Exceptions

152.—(1) This section does not apply to a contract of group insurance or of creditor's group insurance.

Misstate-
ment
of age

(2) Subject to subsection 3, where the age of a person whose life is insured is misstated to the insurer, the insurance money provided by the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age.

Limitation
of insur-
able age

(3) Where a contract limits the insurable age, and the correct age of the person whose life is insured at the date of the application exceeds the age so limited, the contract is, during the lifetime of that person but not later than five years from the date the contract takes effect, voidable by the insurer within sixty days after it discovers the error.

153. In the case of a contract of group insurance or of creditor's group insurance, a misstatement to the insurer of the age of a person whose life is insured does not of itself render the contract voidable, and the provisions, if any, of the contract with respect to age or misstatement of age apply.

154.—(1) Where a contract contains an undertaking, express or implied, that insurance money will be paid if a person whose life is insured commits suicide, the undertaking is lawful and enforceable.

(2) Where a contract provides that in case a person whose life is insured commits suicide within a certain period of time the contract is void or the amount payable under it is reduced, if the contract lapses and is subsequently reinstated on one or more occasions, the period of time commences to run from the date of the latest reinstatement.

155.—(1) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

(2) Where a contract lapses and the insured within two years applies for reinstatement of the contract, if within that time he,

(a) pays the overdue premiums and other indebtedness under the contract to the insurer, together with interest at the rate specified in the contract, but not exceeding 6 per cent per annum, compounded annually; and

(b) produces,

(i) evidence satisfactory to the insurer of the good health, and

(ii) other evidence satisfactory to the insurer of the insurability,

of the person whose life was insured,

the insurer shall reinstate the contract.

(3) Subsection 2 does not apply where the cash surrender value has been paid or an option of taking paid-up or extended insurance has been exercised.

(4) Sections 149 and 150 apply *mutatis mutandis* to reinstatement of a contract.

DESIGNATION OF BENEFICIARIES

Designation of beneficiary 156.—(1) An insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money.

Change in designation (2) Subject to section 157, the insured may from time to time alter or revoke the designation by a declaration.

Meaning of "heirs", etc. (3) A designation in favour of the "heirs", "next of kin" or "estate" of the insured, or the use of words of like import in a designation, shall be deemed to be a designation of the personal representative of the insured.

Designation of beneficiary irrevocably 157.—(1) An insured may in a contract, or by a declaration, other than a declaration that is part of a will, filed with the insurer at its head or principal office in Canada during the lifetime of the person whose life is insured, designate a beneficiary irrevocably, and in that event the insured, while the beneficiary is living, may not alter or revoke the designation without the consent of the beneficiary and the insurance money is not subject to the control of the insured or of his creditors and does not form part of his estate.

Attempted designation (2) Where the insured purports to designate a beneficiary irrevocably in a will or in a declaration that is not filed as provided in subsection 1, the designation has the same effect as if the insured had not purported to make it irrevocable.

Designation in invalid will 158.—(1) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will, or that the designation is invalid as a bequest under the will.

Priorities R.S.O. 1960, c. 433 (2) Notwithstanding *The Wills Act*, a designation in a will is of no effect against a designation made later than the making of the will.

Revocation (3) Where a designation is contained in a will, if subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.

Idem (4) Where a designation is contained in an instrument that purports to be a will, if subsequently the instrument if valid as a will would be revoked by operation of law or otherwise, the designation is thereby revoked.

Trustee for beneficiary 159.—(1) An insured may in a contract or by a declaration appoint a trustee for a beneficiary and may alter or revoke the appointment by a declaration.

(2) A payment made by an insurer to a trustee for a beneficiary discharges the insurer to the extent of the payment. Payment to trustee

160.—(1) Where a beneficiary predeceases the person whose life is insured, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by a declaration, the share is payable, Beneficiary predeceasing life insured

- (a) to the surviving beneficiary; or
- (b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or
- (c) if there is no surviving beneficiary, to the insured or his personal representative.

(2) Where two or more beneficiaries are designated otherwise than alternatively, but no division of the insurance money is made, the insurance money is payable to them in equal shares. Several beneficiaries

161. A beneficiary may enforce for his own benefit, and a trustee appointed pursuant to section 159 may enforce as trustee, the payment of insurance money made payable to him in the contract or by a declaration and in accordance with the provisions thereof, but the insurer may set up any defence that it could have set up against the insured or his personal representative. Right to sue

162.—(1) Where a beneficiary is designated, the insurance money, from the time of the happening of the event upon which the insurance money becomes payable, is not part of the estate of the insured and is not subject to the claims of the creditors of the insured. Insurance money free from creditors

(2) While a designation in favour of a spouse, child, grand-child or parent of a person whose life is insured, or any of them, is in effect, the rights and interests of the insured in the insurance money and in the contract are exempt from execution or seizure. Contract exempt from seizure

DEALINGS WITH CONTRACT DURING LIFETIME OF INSURED

163. Where a beneficiary, Insured dealing with contract

- (a) is not designated irrevocably; or
- (b) is designated irrevocably but has attained the age of twenty-one years and consents,

the

the insured may assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as provided therein or in this Part or as may be agreed upon with the insurer.

Insured
entitled to
dividends

164.—(1) Notwithstanding the designation of a beneficiary irrevocably, the insured is entitled while living to the dividends or bonuses declared on a contract, unless the contract otherwise provides.

Insurer
may use
dividends

(2) Unless the insured otherwise directs, the insurer may apply the dividends or bonuses declared on the contract for the purpose of keeping the contract in force.

Transfer of
ownership
R.S.O. 1960,
c. 433

165.—(1) Notwithstanding *The Wills Act*, where in a contract or in an agreement in writing between an insurer and an insured it is provided that a person named in the contract or in the agreement has, upon the death of the insured, the rights and interests of the insured in the contract,

- (a) the rights and interests of the insured in the contract do not, upon the death of the insured, form part of his estate; and
- (b) upon the death of the insured, the person named in the contract or in the agreement has the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured.

Successive
owners

(2) Where the contract or agreement provides that two or more persons named in the contract or in the agreement shall, upon the death of the insured, have successively, on the death of each of them, the rights and interests of the insured in the contract, this section applies successively, *mutatis mutandis*, to each of such persons and to his rights and interests in the contract.

Saving

(3) Notwithstanding any nomination made pursuant to this section, the insured may, prior to his death, assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as if the nomination had not been made, and may alter or revoke the nomination by agreement in writing with the insurer.

Interest of
assignee

166.—(1) Where an assignee of a contract gives notice in writing of the assignment to the insurer at its head or principal office in Canada, he has priority of interest as against,

- (a) any assignee other than one who gave notice earlier in like manner; and

(b)

- (b) a beneficiary other than one designated irrevocably as provided in section 157 prior to the time the assignee gave notice to the insurer of the assignment in the manner prescribed in this subsection.

(2) Where a contract is assigned as security, the rights of a beneficiary under the contract are affected only to the extent necessary to give effect to the rights and interests of the assignee. Effect on beneficiary's rights

(3) Where a contract is assigned unconditionally and otherwise than as security, the assignee has all the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured. Assignee deemed to be insured

(4) A provision in a contract to the effect that the rights or interests of the insured, or, in the case of group insurance, the group life insured, are not assignable is valid. Prohibition against assignment

167. A group life insured may in his own name enforce a right given to him under a contract, subject to any defence available to the insurer against him or against the insured. Group life insured, enforcing rights

MINORS

168. Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years, Capacity of minors

- (a) to make an enforceable contract; and
- (b) in respect of a contract.

169. A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a discharge therefor. Capacity of minor beneficiary

PROCEEDINGS UNDER CONTRACT

170. Where an insurer receives sufficient evidence of, Proof of claim

- (a) the happening of the event upon which insurance money becomes payable;
- (b) the age of the person whose life is insured;
- (c) the right of the claimant to receive payment; and

(d)

(d) the name and age of the beneficiary, if there is a beneficiary,

it shall, within thirty days after receiving the evidence, pay the insurance money to the person entitled thereto.

Place of
payment

171.—(1) Subject to subsection 4, insurance money is payable in Ontario.

Dollars

(2) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars.

Payment
outside
Ontario

(3) Where a person entitled to receive insurance money is not domiciled in Ontario, the insurer may pay the insurance money to that person or to any other person who is entitled to receive it on his behalf by the law of the domicile of the payee.

Exception
for group
insurance

(4) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group life insured was resident at the time he became insured.

Action in
Ontario

172. Notwithstanding where a contract was made, an action on it may be brought in a court by a resident of Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought.

Limitation
of action

173.—(1) Subject to subsection 2, an action or proceeding against an insurer for the recovery of insurance money shall not be commenced more than one year after the furnishing of the evidence required by section 170 or more than six years after the happening of the event upon which the insurance money becomes payable, whichever period first expires.

Exception

(2) Where a declaration has been made under section 176, an action or proceeding to which reference is made in subsection 1 shall not be commenced more than one year after the date of the declaration.

Documents
affecting
title

174.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of a court affecting the right to receive insurance money, or a notarial copy, or a copy verified by statutory declaration, of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.

Saving

(2) Subsection 1 does not affect the rights or interests of any person other than the insurer.

175. Where an insurer admits the validity of the insurance but does not admit the sufficiency of the evidence required by section 170 and there is no other question in issue except a question under section 176, the insurer or the claimant may, before or after action is brought and upon at least thirty days notice, apply to the court for a declaration as to the sufficiency of the evidence furnished, and the court may make the declaration or may direct what further evidence shall be furnished and on the furnishing thereof may make the declaration or, in special circumstances, may dispense with further evidence.

Declaration
as to
sufficiency
of proof

176. Where a claimant alleges that the person whose life is insured should be presumed to be dead by reason of his not having been heard of for seven years and there is no other question in issue except a question under section 175, the insurer or the claimant may, before or after action is brought and upon at least thirty days notice, apply to the court for a declaration as to presumption of the death and the court may make the declaration.

Declaration
as to pre-
sumption
of death

177.—(1) Upon making a declaration under section 175 or 176, the court may make such order respecting the payment of the insurance money and respecting costs as it deems just and, subject to section 179, a declaration or direction or order made under this subsection is binding upon the applicant and upon all persons to whom notice of the application has been given.

Court
may make
order

(2) A payment made under an order made under subsection 1 discharges the insurer to the extent of the amount paid.

Payment
under
order

178. Unless the court otherwise orders, an application made under section 175 or 176 operates as a stay of any pending action with respect to the insurance money.

Stay of
proceedings

179. An appeal lies to the Court of Appeal from any declaration, direction or order made under section 175, section 176 or subsection 1 of section 177.

Appeal

180. Where the court finds that the evidence furnished under section 170 is not sufficient or that a presumption of death is not established, it may order that the matters in issue be decided in an action brought or to be brought, or may make such other order as it deems just respecting further evidence to be furnished by the claimant, publication of advertisements, further inquiry or any other matter or respecting costs.

Power
of court

181. Where an insurer admits liability for insurance money and it appears to the insurer that,

Payment
into court

- (a) there are adverse claimants; or
- (b) the whereabouts of a person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge therefor, who is willing to do so,

the insurer may, at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, apply to the court *ex parte* for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

Simul-
taneous
deaths

182. Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 1 of section 160 as if the beneficiary had predeceased the person whose life is insured.

Insurance
money
payable in
instalments

183.—(1) Subject to subsections 2 and 3, where insurance money is payable in instalments and a contract, or an instrument signed by the insured and delivered to the insurer, provides that a beneficiary has not the right to commute the instalments or to alienate or assign his interest therein, the insurer shall not, unless the insured subsequently directs otherwise in writing, commute the instalments or pay them to any person other than the beneficiary, and the instalments are not, in the hands of the insurer, subject to any legal process except an action to recover the value of necessities supplied to the beneficiary or his infant children.

Commuta-
tion by
beneficiary

(2) A court may, upon the application of a beneficiary and upon at least ten days notice, declare that in view of special circumstances,

- (a) the insurer may, with the consent of the beneficiary, commute instalments of insurance money; or
- (b) the beneficiary may alienate or assign his interest in the insurance money.

Commuta-
tion after
death of
beneficiary

(3) After the death of the beneficiary, his personal representative may, with the consent of the insurer, commute any instalments of insurance money payable to the beneficiary.

Interpre-
tation

(4) In this section, "instalments" includes insurance money held by the insurer under section 184.

- 184.—(1) An insurer may hold insurance money, Insurer holding insurance money
- (a) subject to the order of an insured or a beneficiary; or
- (b) upon trusts or other agreements for the benefit of the insured or the beneficiary,

as provided in the contract, by an agreement in writing to which it is a party, or by a declaration, with interest at a rate agreed upon therein or, where no rate is agreed upon, at the rate declared from time to time by the insurer in respect of insurance money so held by it.

(2) The insurer is not bound to hold insurance money as Exception provided in subsection 1 under the terms of a declaration to which it has not agreed in writing.

185. Where an insurer does not within thirty days after receipt of the evidence required by section 170 pay the Court may order payment insurance money to some person competent to receive it or into court, the court may, upon application of any person, order that the insurance money or any part thereof be paid into court, or may make such other order as to the distribution of the money as it deems just, and payment made in accordance with the order discharges the insurer to the extent of the amount paid.

186. The court may fix without taxation the costs incurred Costs in connection with an application or order made under section 181 or 185, and may order them to be paid out of the insurance money or by the insurer or the applicant or otherwise as it deems just.

187.—(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of Where beneficiary a minor giving and authorized to give a discharge therefor, who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable pay the money, less the applicable costs mentioned in subsection 2, into court to the credit of the minor.

(2) The insurer may retain out of the insurance money Costs for costs incurred upon payment into court under subsection 1 the sum of \$10, where the amount does not exceed \$1,000, and the sum of \$15 in other cases, and payment of the remainder of the money into court discharges the insurer.

(3) No order is necessary for payment into court under Procedure subsection 1, but the accountant or other proper officer shall receive the money upon the insurer filing with him an affidavit

showing

showing the amount payable and the name, date of birth and residence of the minor, and, upon such payment being made, the insurer shall forthwith notify the Official Guardian and deliver to him a copy of the affidavit.

Beneficiary
under
disability

188. Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid.

MISCELLANEOUS PROVISIONS

Presump-
tion against
agency

189. No officer, agent or employee of an insurer and no person soliciting insurance, whether or not he is an agent of the insurer, shall, to the prejudice of the insured, be deemed to be the agent of the insured in respect of any question arising out of a contract.

Insurer
giving
information

190. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

R.S.O. 1960,
c. 190, s. 218,
re-enacted

5. Section 218 of *The Insurance Act* is repealed and the following substituted therefor:

Minimum
liability
under policy

218.—(1) Every owner's policy and driver's policy shall insure, in respect of any one accident, to the limit of at least \$35,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property.

Priorities

(2) Where in any one accident liability results from bodily injury or death and loss of or damage to property,

(a) claims arising out of bodily injury or death have priority to an amount of \$30,000 over claims arising out of loss of or damage to property; and

(b) claims arising out of loss of or damage to property have priority to an amount of \$5,000 over claims arising out of bodily injury or death.

Application

(3) Subsections 1 and 2 apply to every owner's policy and every driver's policy that is written or renewed effective on or after the 1st day of June, 1962, and,

where

where any owner's or driver's policy previously issued and in effect on that date insures for amounts less than those set out in subsections 1 and 2, it shall be deemed to insure for the amounts set out in subsections 1 and 2 from and after the 1st day of October, 1962.

6. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 190,
amended

218a. An insurer that issues or delivers a motor vehicle liability policy in Ontario, or any renewal thereof, or any evidence of the continuation of such policy, shall issue a certificate evidencing such insurance. Certificate
of
insurance

7. Clause *d* of subsection 2 of section 228 of *The Insurance Act* is amended by striking out "double indemnity" and inserting in lieu thereof "accidental death", so that the clause shall read as follows: R.S.O. 1960,
c. 190,
s. 228,
subs. 2, cl. d,
amended

(d) accidental death insurance; or

.

8.—(1) This Act, except sections 1 to 4 and 7, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1 to 4 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

9. This Act may be cited as *The Insurance Amendment Act*, 1961-62. Short title

CHAPTER 64

An Act to amend The Jails Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jails Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 195,
amended

8a.—(1) Subject to the approval of the Minister, a county or city that provides and maintains a jail shall be paid out of the moneys appropriated therefor by the Legislature a grant of 10 per cent of the annual cost of maintaining the jail to be computed in the manner prescribed by the regulations. Maintenance
grant

(2) For the purpose of subsection 1, the Lieutenant Governor in Council may make regulations, Regulations

(a) governing applications for grants and the manner, terms and conditions of payment of grants;

(b) prescribing the manner of computing the cost of maintaining jails;

(c) prescribing forms and providing for their use.

2. This Act comes into force on the 1st day of April, 1962. Commence-
ment

3. This Act may be cited as *The Jails Amendment Act*, Short title
1961-62.

CHAPTER 65

An Act to amend The Judicature Act

Assented to (except secs. 2 and 3) March 30th, 1962

Secs. 2 and 3 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act* is R.S.O. 1960, amended by striking out "twenty" in the third line and c. 197, s. 5, inserting in lieu thereof "twenty-two", so that the subsection amended shall read as follows:

(1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and twenty-two other judges. High Court of Justice

2. Subsection 5 of section 46 of *The Judicature Act* is R.S.O. 1960, amended by striking out "where accommodation therein is c. 197, s. 46, not available" in the second line, so that the subsection shall subs. 5, amended read as follows:

(5) The sittings shall be held in the court house of the county or at such other place in the county as the presiding judge directs. Sittings to be held in court house

3. Subsection 1 of section 111 of *The Judicature Act* is R.S.O. 1960, amended by adding thereto the following clause: c. 197, s. 111, subs. 1, amended

(aa) the Chief Judge of the County and District Courts.

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

5. This Act may be cited as *The Judicature Amendment Act, 1961-62*. Short title

CHAPTER 66

An Act to amend The Jurors Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 52 of *The Jurors Act* is amended by striking out "625" in clause *a* and inserting in lieu thereof "800", by striking out "270" in clause *b* and inserting in lieu thereof "350" and by striking out "180" in clause *c* and inserting in lieu thereof "225", so that the subsection shall read as follows:

- (1) Where a judge of the Supreme Court deems it necessary to have two or more sets of petit jurors to serve at any sittings of the Supreme Court, he may direct the sheriff to return such number of petit jurors as he thinks fit, not exceeding,

(a) in the county of York, 800;

(b) in the county of Wentworth, 350; and

(c) in any other county, 225,

and the judge shall fix and direct the number of sets and the day for which each set shall be summoned.

2. This Act comes into force on the 1st day of January, 1962.

3. This Act may be cited as *The Jurors Amendment Act*.

CHAPTER 67

An Act to amend The Juvenile and Family Courts Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Juvenile and Family Courts Act* is ^{R.S.O. 1960,} repealed. <sub>c. 201, s. 13,
repealed</sub>

2. Section 14 of *The Juvenile and Family Courts Act* is ^{R.S.O. 1960,} amended by adding at the end thereof "and any supplemental ^{amended} medical or surgical insurance", so that the section shall read as follows:

14. All officers and members of the staff of a juvenile and family court, except the judge and deputy judges, shall be deemed to be employees of the municipality that pays their salaries for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance and any supplemental medical or surgical insurance. <sup>Status of
officers
and staff</sup>

3.—(1) Subsection 1 of section 16 of *The Juvenile and Family Courts Act* is amended by inserting after "provide" ^{R.S.O. 1960,} in the second line "stenographers, typists, clerks and other ^{subs. 1,} persons and", so that the subsection shall read as follows: ^{amended}

- (1) The municipality in and for which a juvenile and family court is established shall provide stenog- <sup>Stenog-
raphers,
clerks,
accommo-
dation,
expenses,
salaries, etc.</sup> raphers, typists, clerks and other persons and a suitable room for hearing cases, and offices, furniture, equipment and supplies for the judge, deputy judges and all other officers and the members of the staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges and all other officers and the members of the staff.

R.S.O. 1960,
c. 201, s. 16,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Judges'
salaries,
payment of

- (2) The salary of every full-time judge and every full-time deputy judge, every part-time judge who also sits as a magistrate in a magistrate's court and every part-time deputy judge who also sits as a magistrate in a magistrate's court shall be paid out of the moneys that are voted therefor by the Legislature, and an amount equal to the salary and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries.

R.S.O. 1960,
c. 201,
amended

4. *The Juvenile and Family Courts Act* is amended by adding thereto the following section:

Apportion-
ment of
costs

16a.—(1) To render practicable a system of full-time, trained judges for the juvenile and family courts,

(a) the Lieutenant Governor in Council may make such regulations providing for the apportionment of the salaries and expenses thereof between or among municipalities as he deems fit; and

(b) the Attorney General may approve such arrangements as may, in his opinion, promote such a system.

Utilization
of voted
moneys

- (2) For the furthering of such a judicial system, any moneys appropriated by the Legislature for that purpose may be utilized as the Attorney General may direct.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1962.

Short title

6. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1961-62*.

CHAPTER 68

An Act to amend The Labour Relations Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 202, s. 1,
subs. 1,
amended

(da) “construction industry” means the businesses that are engaged in constructing, altering, decorating, repairing or demolishing buildings, structures, roads, sewers, water or gas mains, pipe lines, tunnels, bridges, canals or other works at the site thereof.

(2) Clause *a* of subsection 3 of the said section 1 is amended by inserting after “engineering” in the first and second lines “land surveying”, so that the clause shall read as follows: R.S.O. 1960,
c. 202, s. 1,
subs. 3, cl. *a*,
amended

(a) who is a member of the architectural, dental, engineering, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

.

2. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 202,
amended

13a. Notwithstanding anything in this Act, where the Board has granted a request for conciliation services and the parties have failed to enter into a collective agreement within fifteen months from the granting of the request, the Board may, upon the joint request of the parties that conciliation services again be made available to them, grant such request, and, upon such request being granted, sections 14 to 31 and 54 to 59 apply, but the granting of such request is not a bar to an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit. Second
conciliation

R.S.O. 1960,
c. 202, s. 38,
subss. 1, 2,
amended

3. Subsections 1 and 2 of section 38 of *The Labour Relations Act* are amended by inserting after "trade union" wherever the expression appears "or council of trade unions", so that the subsections shall read as follows:

Binding
effect of
collective
agreements
on members
of
employers'
organiza-
tions

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions, and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Duty to
disclose

- (2) When an employers' organization commences to bargain with a trade union or council of trade unions, it shall deliver to the trade union or council of trade unions a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union or council of trade unions is entitled to bargain and to make a collective agreement at that time, except an employer who, either by himself or through the employers' organization, has notified the trade union or council of trade unions in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union or council of trade unions.

R.S.O. 1960,
c. 202,
amended

4. *The Labour Relations Act* is amended by adding thereto the following section:

Declaration
of successor
employer

- 47a. Where an employer who is or was a party to or is or was bound by a collective agreement with a trade union, or on behalf of whose employees in an appropriate bargaining unit a trade union has been certified as bargaining agent, ceases to be the employer of the employees in the bargaining unit by reason of a sale, lease, transfer or other disposition of his business or part thereof, the Board, on the application of any person or trade union concerned, may declare,

(a)

- (a) that the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, is bound by the collective agreement as if he had been a party thereto; or
- (b) whether or not a collective agreement is in operation binding upon the predecessor employer, that the trade union is the bargaining agent for the employees in the appropriate bargaining unit of the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, and is entitled to give to that person a notice that shall have the same force and effect as a notice under section 11 or 40, as the Board may direct; or
- (c) where in the opinion of the Board the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of changes its character so that it is substantially different from the business of the predecessor employer, that the trade union is not the bargaining agent of his employees.

5. Clause *c* of section 50 of *The Labour Relations Act* is amended by inserting after "or" where it occurs the second time in the sixth line "to cease", so that the clause shall read as follows:

R.S.O. 1960,
c. 202, s. 50,
cl. c,
amended

- (c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to cease to exercise any other rights under this Act.

6. *The Labour Relations Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 202,
amended

59a.—(1) No employer, employers' organization or person acting on behalf of an employer or employers' organization shall,

Protection
of
witnesses'
rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;

(c)

(c) discriminate against a person in regard to employment or a term or condition of employment; or

(d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Idem

(2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall,

(a) discriminate against a person in regard to employment or a term or condition of employment; or

(b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Removal,
etc., of
posted
notices

59b. No person shall wilfully destroy, mutilate, obliterate, alter, deface or remove or cause to be destroyed, mutilated, obliterated, altered, defaced or removed any notice that the Board has required to be posted during the period that the notice is required to be posted.

R.S.O. 1960,
c. 202,
amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Representa-
tive for
service of
process

63a.—(1) Every trade union and unincorporated employers' organization in Ontario that has members in Ontario shall, on or before the 31st day of December, 1962, or within fifteen days after it has enrolled its first member, whichever is later, file with the Board a notice in the prescribed form giving the

name

name and address of a person resident in Ontario who is authorized by the trade union or unincorporated employers' organization to accept on its behalf service of process and notices under this Act.

- (2) Whenever a trade union or unincorporated employers' organization changes the authorization referred to in subsection 1, it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change. Change in representative
- (3) Service on the person named in a notice or the latest notice, as the case may be, filed under subsection 1 is good and sufficient service for the purposes of this Act on the trade union or unincorporated employers' organization that filed the notice. Service of notice

8.—(1) Subsection 1 of section 65 of *The Labour Relations Act* is amended by adding at the end thereof "as to his employment, opportunity for employment or conditions of employment", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 65, subs. 1, amended

- (1) The Board may authorize a field officer to inquire into a complaint that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment. Inquiry by field officer

(2) Subsections 4 and 5 of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subs. 4, 5, re-enacted

- (4) Where a field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by an employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits, and the

employer,

employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination.

Enforce-
ment of
determina-
tion

- (5) Where the employer or other person or the trade union has failed to comply with any of the terms of the determination, any employer, person or trade union affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Effect of
settlement

- (6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employer or other person and the trade union who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employer or other person or the trade union who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint that a person has been dealt with contrary to the Act as to his employment, opportunity for employment or conditions of employment, as the case may be.

R.S.O. 1960,
c. 202, s. 69,
subs. 1,
amended

9.—(1) Subsection 1 of section 69 of *The Labour Relations Act* is amended by inserting after “decision” in the third line “determination, interim order”, so that the subsection shall read as follows:

Offences

- (1) Every person, trade union, council of trade unions or employers' organization that contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a fine of not more than \$100; or

(b)

- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$1,000.

(2) Subsection 2 of the said section 69 is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 69, subs. 2, amended

- (2) Each day that a person, trade union, council of trade unions or employers' organization contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act constitutes a separate offence. Continued offences

10.—(1) Section 75 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 75, amended

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 96 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers. Construction industry division

(2) Subsection 9 of the said section 75 is amended by inserting after "procedure" in the sixth line "and the exercise of its powers", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 75, subs. 9, amended

- (9) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are deemed advisable. practice and procedure, etc.

(3) The said section 75 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 75, amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings to which sections 90 to 96 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules applicable to construction industry

R.S.O. 1960,
c. 202, s. 76,
amended

11. Section 76 of *The Labour Relations Act* is amended by adding at the end thereof "and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66", so that the section shall read as follows:

Juris-
dictional
disputes
commissions

76. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines, and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66.

R.S.O. 1960,
c. 202, s. 77,
subs. 2, cl. *e*,
amended

12.—(1) Clause *e* of subsection 2 of section 77 of *The Labour Relations Act* is amended by adding at the end thereof "and post therein any notice referred to in clause *d*", so that the clause shall read as follows:

(*e*) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter and post therein any notice referred to in clause *d*.

R.S.O. 1960,
c. 202, s. 77,
subs. 2, cl. *h*,
re-enacted

(2) Clause *h* of subsection 2 of the said section 77 is repealed and the following substituted therefor:

(*h*) to authorize the chairman, the vice-chairman or a deputy vice-chairman to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board, or any part of any of them, and to report to the Board thereon.

R.S.O. 1960,
c. 202, s. 77,
amended

(3) The said section 77 is amended by adding thereto the following subsection:

Subsequent
applications
for certi-
fication, etc.

(3) Notwithstanding sections 5 and 43, where an application has been made for certification of a trade union as bargaining agent for employees in a bargaining unit or for a declaration that the trade union no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Board at the time a subsequent application for such certification or for such a declaration is made with respect to any of the employees affected by the original application, the Board may,

(*a*)

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Board on the original application; or
- (c) refuse to entertain the subsequent application.

13.—(1) Subsection 1 of section 79 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 202, s. 79,
subs. 1,
re-enacted

- (1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it, and the action or decision of the Board thereon is final and conclusive for all purposes, but nevertheless the Board may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling. Jurisdiction

(2) The said section 79 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 202, s. 79,
amended

- (3) Where the Board has authorized the chairman, the vice-chairman or a deputy vice-chairman to make an inquiry under clause *h* of subsection 2 of section 77, his findings and conclusions on facts are final and conclusive for all purposes, but nevertheless he may, if he considers it advisable to do so, reconsider his findings and conclusions on facts and vary or revoke any such finding or conclusion. Findings
of hearing-
officer
conclusive

14. Subsection 3 of section 83 of *The Labour Relations Act* is amended by inserting after "Board" in the third line "or as authorized by the Board", so that the subsection shall read as follows: R.S.O. 1960,
c. 202, s. 83,
subs. 3,
amended

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board or as authorized by the Board, and no member of the Board and no field officer is a competent or compellable witness in proceedings before a court or other tribunal respecting any such information, material or report. Secrecy of
information
given field
officers

R.S.O. 1960,
c. 202, s. 85,
subs. 3,
amended

15. Subsection 3 of section 85 of *The Labour Relations Act* is amended by inserting after "Board" in the first line "a notice from the Minister that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows:

Time of
release of
certain
documents

- (3) A decision or determination of the Board, a notice from the Minister that he does not deem it advisable to appoint a conciliation board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1960,
c. 202,
amended

16. *The Labour Relations Act* is amended by adding thereto the following sections:

CONSTRUCTION INDUSTRY

Interpre-
tation

90. In sections 91 to 96,

- (a) "employer" means a person who operates a business in the construction industry;
- (b) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

Conflict

91. Where there is conflict between any provision in sections 92 to 96 and any provision in sections 5 to 89, the provisions in sections 92 to 96 prevail.

Bargaining
units in the
construction
industry

92.—(1) Where a trade union applies for certification as bargaining agent of the employees of an employer, the Board shall determine the unit of employees that is appropriate for collective bargaining by reference to a geographic area and it shall not confine the unit to a particular project.

Determina-
tion of
number of
members in
bargaining
unit

(2) In determining whether a trade union to which subsection 1 applies has met the requirements of subsection 2 of section 7, the Board need not have regard to any increase in the number of employees in the bargaining unit after the application was made.

- 93.—(1) Where notice has been given by a trade union ^{Notice of desire to bargain} to an employer under section 11 or by a trade union or a council of trade unions or an employer or employers' organization under section 40, the parties shall meet within five days from the giving of such notice or within such further period as the parties agree upon.
- (2) The Board shall grant a request that conciliation ^{Where request for conciliation services may be granted} services be made available to the parties referred to in subsection 1 where ten or more days have elapsed from the giving of notice under section 11 or 40, or upon the joint request of the parties, or where the Board is satisfied that no progress in bargaining is being made, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.
- (3) Where the Board has granted a request for concilia- ^{Extension of 14-day period for conciliation officer} tion services under subsection 2, the period mentioned in subsection 1 of section 15 may be extended only by agreement of the parties referred to in subsection 1.
- (4) Where the Board has granted a request for con- ^{Appoint- ment of conciliation board} ciliation services under subsection 2 and the conciliation officer is unable to effect a collective agreement within the time allowed, the Minister shall, unless the parties inform him in writing that they desire him to appoint a conciliation board, forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board.
- (5) Where a conciliation board has been appointed ^{When report to be made} pursuant to the desire of the parties expressed under subsection 4, it shall report its findings and recommendations to the Minister within fourteen days after its first sitting, but this period may be extended by agreement of the parties for such further period, not exceeding ninety days, except with the consent of the Minister, as they deem desirable.
- 94.—(1) Where a trade union has given notice to an ^{Absence of bargaining committee, etc.} employer under section 11 or notice has been given by a trade union, council of trade unions or an employer or employers' organization under section 40 and there are no employees in the bargaining unit

at the time the notice was given or during the period of bargaining, subsections 4, 5 and 6 of section 13 do not apply.

What
deemed to
be a
collective
agreement

- (2) An agreement in writing between an employer or employers' organization, on the one hand, and a trade union that has been certified as bargaining agent for a unit of employees of the employer, or a trade union or a council of trade unions that is entitled to require the employer or the employers' organization to bargain with it for the renewal, with or without modifications, of the agreement then in operation or for the making of a new agreement, on the other hand, shall be deemed to be a collective agreement notwithstanding that there were no employees in the bargaining unit or units affected at the time the agreement was entered into.

Notice of
desire to
bargain
for new
collective
agreement

95. Each party to a collective agreement between an employer or employers' organization and a trade union or council of trade unions may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Application
for termina-
tion, no
agreement

- 96.—(1) If a trade union does not make a collective agreement with the employer within six months after its certification, any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit.

Agreement

- (2) Notwithstanding subsection 2 of section 43, any of the employees in the bargaining unit defined in a first agreement between an employer and a trade union, where the trade union has not been certified as the bargaining agent of the employees of the employer in the bargaining unit, may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit after the 305th day of its operation and before the 365th day of its operation.

Application
of s. 43,
subss. 3-7

- (3) Subsections 3 to 7 of section 43 apply to an application under subsection 1 or 2.

17.—(1) This Act, except subsection 1 of section 1 and sections 2, 4, 8, 10 and 16, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Subsection 1 of section 1 and sections 2, 4, 8, 10 and 16 ^{Idem} come into force on a day to be named by the Lieutenant Governor by his proclamation.

(3) Any such proclamation may apply to the whole or ^{Idem} any one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act*, as enacted, re-enacted or <sup>R.S.O. 1960,
c. 202</sup> amended by this Act, and proclamations for such purposes may be issued at different times.

18. This Act may be cited as *The Labour Relations Amendment Act, 1961-62*. ^{Short title}

CHAPTER 69

An Act to amend The Lakehead College of Arts, Science and Technology Act, 1956

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Lakehead College of Arts, Science and Technology Act, 1956* is amended by adding thereto the following subsection: 1956, c. 36, s. 3, amended

(2) The College has university powers,

University powers re faculties and degrees

(a) to establish and maintain such faculties, schools, institutes, departments and chairs as may be determined by the board; and

(b) to confer university degrees and honorary degrees and awards in arts and science.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Lakehead College of Arts, Science and Technology Amendment Act, 1961-62*. Short title

CHAPTER 70

An Act to amend The Land Titles Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*,
re-enacted

(*k*) "regulations" in Part VIII means the code of standards and procedure for surveys and plans prescribed by the regulations made under section 172*a*.

2. Section 2 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
re-enacted

2.—(1) This Act applies to,

Application
of Act to
districts
and counties

- (*a*) every provisional judicial district, including every local municipality in a provisional judicial district;
- (*b*) the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto;
- (*c*) the County of Elgin, including every local municipality in the County;
- (*d*) the County of Ontario, including every local municipality in the County;
- (*e*) the County of Carleton, including every local municipality in the County;
- (*f*) the County of Lincoln, including every local municipality in the County;

(*g*)

(g) the United Counties of Prescott and Russell, including every local municipality in the United Counties;

(h) the County of Halton, including every local municipality in the County,

and such other counties, cities and separated towns to which this Act is extended under section 3.

Continuation of registry offices

(2) The registry offices heretofore established for the provisional judicial districts and for the counties and cities to which this Act applies are continued.

R.S.O. 1960, c. 204, s. 5, amended

3.—(1) Section 5 of *The Land Titles Act* is amended by adding thereto the following subsection:

Saving

(2a) Subsections 1 and 2 do not apply to any county, city or town, except the County of York including The Municipality of Metropolitan Toronto, until such time as the Lieutenant Governor in Council so orders.

R.S.O. 1960, c. 204, s. 5, subs. 6, repealed

(2) Subsection 6 of the said section 5 is repealed.

R.S.O. 1960, c. 204, s. 7, subss. 2, 3, re-enacted; subs. 4, repealed

4. Subsections 2, 3 and 4 of section 7 of *The Land Titles Act* are repealed and the following substituted therefor:

Deputy director of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act administered by the director of titles.

Assistant deputy directors of titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act administered by the director of titles as the director of titles directs.

R.S.O. 1960, c. 204, s. 8, subs. 2, re-enacted

5.—(1) Subsection 2 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of director

(2) In addition to the powers and duties prescribed by this Act and by the rules and regulations, the

director

director of titles may inform and advise the proper master of titles in respect of the manner in which he shall perform any particular act.

(2) The said section 8 is amended by adding thereto the following subsections: R.S.O. 1960, c. 204, s. 8, amended

(8) Any order of the director of titles shall, upon his request, be registered, without fee, by the proper master of titles, who shall make such entries in or amendments to the register of the title of the land affected by the order as may be required by the director in his order. Registration of order of director

(9) Where a dispute arises with respect to any fee payable under this Act to the proper master of titles which cannot be settled by him to the satisfaction of the person by whom the fee is payable in the first instance, the proper master of titles shall immediately notify the director of titles of the dispute, and thereupon the director shall determine the amount of the fee to be paid, taking into account any unusual circumstance, and he is not bound by the prescribed schedule of fees, and the written decision of the director thereupon is final but subject to appeal by such person, as provided by section 29, if notice of the appeal is served upon the proper master of titles within fifteen days after receipt by such person of the decision. Disputes as to fees

6. Subsection 2 of section 9 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 9, subs. 2, re-enacted

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the senior deputy master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior deputy master of titles

7. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a local master of titles who shall act under the supervision of the local master of titles, and the deputy, or, where more than

one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles in the absence of the local master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the local master of titles.

Death or
resignation
of local
master of
titles

- (2) When a local master of titles dies or resigns, the deputy, or, where more than one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles until a local master of titles is appointed.

R.S.O. 1960,
c. 204, s. 12,
subs. 2,
amended

8. Subsection 2 of section 12 of *The Land Titles Act* is amended by inserting after "appointed" in the first line "under subsection 3 of section 5", so that the subsection shall read as follows:

Qualifica-
tions

- (2) The person appointed under subsection 3 of section 5 may, in the discretion of the Lieutenant Governor in Council, be a judge of a county or district court, a barrister or a solicitor, whether practising or not, or a registrar or a deputy local master of titles having five years practice in a land titles office.

R.S.O. 1960,
c. 204, s. 28,
subs. 1,
amended

9. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after "a" in the third line "certified", so that the subsection shall read as follows:

Court order
to be
obeyed

- (1) Officers appointed under this Act shall obey the order of any competent court in relation to registered land on being served with the order or a certified copy thereof.

R.S.O. 1960,
c. 204, s. 33,
subs. 5,
re-enacted

10. Subsection 5 of section 33 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of Crown
as owner

- (5) Subject to subsection 4 of section 47 and to section 48, the proper master of titles may, upon an application made by or on behalf of any minister of the government of Canada or Ontario, register under this Act any land claimed to be owned by Her Majesty the Queen in right of Canada or Ontario, as the case may be, notwithstanding that the land had not previously been granted by the Crown.

R.S.O. 1960,
c. 204, s. 34,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 34 of *The Land Titles Act* is repealed and the following substituted therefor:

Application
by municip-
al council

- (1) The council of any municipality to which this Act applies may by by-law authorize an application to

be made to the proper master of titles to have any land that is within the municipality registered under this Act.

(2) The said section 34 is amended by adding thereto the following subsections: R.S.O. 1960, c. 204, s. 34, amended

(6) The proper master of titles shall not proceed with an application under this section without the consent of the director of titles. Consent of director

(7) The Lieutenant Governor in Council may determine the amount of fees to be paid to the proper master of titles and to the director of titles on an application under this section. Registration fees

(8) Notwithstanding section 60, the Lieutenant Governor in Council may determine the amount to be paid into The Land Titles Assurance Fund by a municipality on an application under this section, and the amount shall be deemed to be costs of the application for the purposes of subsection 3. Payment to Assurance Fund

(9) The Attorney General may apply under this section as agent of the owners and other persons having interests in any land designated by him that is not within a municipality, and subsections 2, 3, 4, 5, 7 and 8 apply *mutatis mutandis*. Application by Attorney General where land not in a municipality

12. Section 40 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 40, re-enacted

40.—(1) Where on an application for first registration it appears that the applicant is so entitled by virtue of length of possession of the land, he may be registered as the owner of the land with a possessory title. Possessory title may be registered

(2) Subject to the approval of the director of titles, an applicant for first registration whose claim to ownership is based upon length of possession of the land may be registered as the owner in fee simple with an absolute title of the land. Absolute title based on possession

13. Subsection 3 of section 41 of *The Land Titles Act* is repealed. R.S.O. 1960, c. 204, s. 41, subs. 3, repealed

14. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

Notice

44a. A notice of an application for first registration is sufficiently served upon an owner, mortgagee or chargee, or his assignee, of land adjoining the land of or claimed by the applicant for first registration if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of this Act or section 45 of *The Registry Act*, or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge or assignment thereof under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land.

R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 204, s. 51,
subs. 1,
par. 11,
re-enacted

15.—(1) Paragraph 11 of subsection 1 of section 51 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296

11. Section 26 of *The Planning Act* in respect of any by-law passed thereunder which affects registered land not within a registered plan of subdivision where a copy of the by-law has been deposited under subsection 8 of that section and the other requirements of that section have been complied with, but this paragraph does not apply to land in a subdivision plan area under section 154 or to land shown on a composite plan under section 155.

R.S.C. 1952,
c. 234

12. Where the registered owner is or a previous registered owner was a railway company, any interest which may be or may have been created by any instrument deposited in the office of the Secretary of State of Canada under section 139 of the *Railway Act* (Canada), but, where the previous registered owner was a railway company, this paragraph does not apply to a subsequent registered owner, except a railway company, unless a note of the previous ownership of the land by the railway company has been entered in the title register.

R.S.O. 1960,
c. 204, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsections:

Where owner
of adjoining
land has
no right

(3) A parcel of land registered under this Act is not subject to paragraph 3 of subsection 1 if a notice of the application for first registration that contained an accurate description of the parcel, or of a former larger parcel of which the parcel is a part, was served upon the person who at the time of giving the notice

was the owner, mortgagee, chargee or purchaser, or his assignee, under a registered instrument of adjoining land and no objection to the first registration was filed with the proper master of titles within the time allowed by the notice.

- (4) Paragraph 6 of subsection 1 does not confer upon a person claiming a mechanic's lien any greater right than he would have if the land were registered under *The Registry Act*. Application of subs. 1, par. 6.
R.S.O. 1960, c. 348
- (5) No order made under clause *b* of subsection 1 of section 27 of *The Planning Act* affects the title of an owner of registered land or the interest of any person therein as appearing in the register unless a copy of the order has been deposited or registered in the manner required for the deposit or registration of by-laws under subsections 8 and 9 of section 26 of *The Planning Act* before the registration of the transfer or other instrument under which ownership or another interest was acquired. Effect of non-registration under R.S.O. 1960, c. 296, s. 27, subs. 1, cl. b
- (6) The title of the registered owner for the time being of land or of a charge is subject to enforceable writs of execution against him that have been recorded under section 145, but no writ of execution against a prior registered owner is enforceable in respect of the land or charge unless a note of such writ has been entered in the title register. Writs of execution

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960 c. 204, amended

- 52a.—(1) The registration of a person as first registered owner with a qualified title has the same effect as the registration of such person with an absolute title, except that registration with a qualified title does not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted. Estate of owner registered with a qualified title
- (2) The registered owner of land with a qualified title may at any time apply to the proper master of titles to be registered as owner of the land with an absolute title, but the applicant shall not be so registered unless the director of titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement, or unless a bond or covenant is furnished as provided by subsection 11 of section 60. Change from qualified title to absolute title

R.S.O. 1960,
c. 204, s. 60,
subs. 1,
amended

17.—(1) Subsection 1 of section 60 of *The Land Titles Act* is amended by inserting after “fund” in the first line “to be known as The Land Titles Assurance Fund”, so that the subsection shall read as follows:

Land Titles
Assurance
Fund

- (1) An assurance fund, to be known as The Land Titles Assurance Fund, shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud, or by reason of a misdescription, omission or other error in a certificate of ownership of land or of a charge or in an entry on the register.

R.S.O. 1960,
c. 204, s. 60,
subs. 5,
amended

(2) Subsection 5 of the said section 60 is amended by striking out “Assurance Fund under *The Land Titles Act*” in the fourth and fifth lines and inserting in lieu thereof “The Land Titles Assurance Fund Account”, so that the subsection shall read as follows:

To be paid
into court
and invested

- (5) Subject to the rules, moneys payable under this section shall be paid into court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account entitled “The Land Titles Assurance Fund Account” and, subject to subsection 6, shall be invested from time to time under the direction of the court, and the interest or income derived therefrom shall be credited to the same account.

R.S.O. 1960,
c. 204, s. 60,
subs. 7,
re-enacted

(3) Subsection 7 of the said section 60 is repealed and the following substituted therefor:

No fee for
direction

- (7) No fee is payable for a direction to receive the amount to be paid into the Assurance Fund.

R.S.O. 1960,
c. 204, s. 60,
amended

(4) The said section 60 is amended by adding thereto the following subsection:

Contribution
on registra-
tion of
newly-
patented
land

- (12) Notwithstanding subsection 2, the amount payable into the Assurance Fund on the registration of newly-patented land under section 35 or 36 is \$1, irrespective of the amount paid to the Crown for the land, but a patentee of land mentioned in section 64 may pay an additional amount under section 61, as though he were a person taking a transfer.

R.S.O. 1960,
c. 204, s. 62,
amended

18.—(1) Section 62 of *The Land Titles Act* is amended by adding thereto the following subsection:

- (5) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, pay over to the Treasurer of Ontario to the credit of the Consolidated Revenue Fund the amount of interest that was credited to The Land Titles Assurance Fund during the calendar year first mentioned.

- (2) The first payment under subsection 5 of the said section 62, as enacted by subsection 1, shall be made so soon as may be after the 1st day of June, 1962.

19. Subsection 1 of section 66 of *The Land Titles Act* is amended by striking out "subject to the rules respecting the number of persons to be registered in respect of the same land" in the fifth, sixth and seventh lines, so that the subsection shall read as follows:

- (1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land may apply to the proper master of titles to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered.

20. Section 70 of *The Land Titles Act* is repealed and the following substituted therefor:

- 70.—(1) Where registered land is transferred to trustees under *The Religious Institutions Act*, they shall be registered in their corporate name without setting out the purposes or trusts on which the land is held.

- (2) A person who has been appointed as a trustee under the *Bankruptcy Act* (Canada) or under any other Act of Canada or Ontario or by the court, upon proof of his entitlement satisfactory to the proper master of titles, may be registered as the owner of registered land or of an interest therein, and he may transfer the same upon proof of compliance with the Act or order under which he was appointed.

21. *The Land Titles Act* is amended by adding thereto the following section:

Meaning of
"vest" or
"belong"

74a.—(1) Where by an order of a court of competent jurisdiction or where by virtue of the operation of an Act of Canada or Ontario registered land or any interest therein is stated by the order or Act to vest, be vested or become vested in, or belong to, the Crown in right of Canada or Ontario or any person other than the registered owner of the land, the registered owner shall be deemed for the purposes of this Act to remain the owner thereof,

(a) until an application to be registered as owner is made by or on behalf of the Crown or other person in or to whom the land is stated to be vested or to belong; or

(b) until the land is transferred to the Crown or person by the registered owner,

as the case may be, in accordance with the order or Act.

Saving
R.S.O. 1960,
c. 171

(2) Subsection 1 does not apply to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act.

R.S.O. 1960,
c. 204, s. 77,
amended

22. Section 77 of *The Land Titles Act* is amended by adding thereto the following subsections:

Department
of Highways
register

(2) For the purposes of subsection 1, the Department of Highways register mentioned in clause *b* of subsection 1 of section 172 shall be deemed to be a book kept for the entry of instruments.

Trans-
Canada
Pipe Line
register

(3) Subject to the rules, the Trans-Canada Pipe Line register established under clause *b* of subsection 1 of section 172 shall be deemed, for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by Trans-Canada Pipe Lines Limited or Northern Ontario Pipe Line Crown Corporation.

R.S.O. 1960,
c. 204,
amended

23. *The Land Titles Act* is amended by adding thereto the following sections:

Amendment
of register

79a. Upon the application of the registered owner, any entry in the register of his title may be amended by the proper master of titles to reflect the effect of other statutes or orders of the court or a change in the name of the owner, or such other changes as have occurred in fact.

79b. In respect of the first registration of land or any subsequent registration of an instrument under this Act, the proper master of titles may require such proof as he considers sufficient, or as is prescribed by the director of titles, of compliance with any Act of Canada or Ontario that if not complied with would affect the title of the first registered owner or the title or interest of the person taking under the subsequent instrument.

Proof of
compliance
with other
statutes

79c.—(1) Except as otherwise provided by this Act, every instrument presented for registration by which, when registration thereof is completed, an interest in registered land is created, transferred or terminated shall be deemed to be an application to the proper master of titles to amend the registered title of the land mentioned therein.

Instruments
deemed
applications
to amend
register

(2) A plan, certificate, order or by-law made under an Act of Canada or Ontario, which when registered has the effect of transferring, vesting or forfeiting registered land or an interest therein, shall be deemed to be an instrument for the purposes of subsection 1.

Idem

(3) An agreement or lease or other instrument in respect of which no provision is made by this Act for registration but which is filed in support of or mentioned in a caution, notice of lease or other notice authorized by this Act shall be deemed not to be registered nor to be an instrument for the purposes of subsection 1.

Certain
instruments
not within
subs. 1

24. Section 81 of *The Land Titles Act* is amended by adding at the end thereof “but this section does not apply to the execution of a transfer or charge by a corporation”, so that the section shall read as follows:

R.S.O. 1960,
c. 204, s. 81,
amended

81. Notwithstanding any statute or rule of law, a charge or transfer of registered land may be duly made by an instrument not under seal and, if so made, the instrument and every agreement, stipulation and condition therein has the same effect for all purposes as if made under seal, but this section does not apply to the execution of a transfer or charge by a corporation.

Charges and
transfers
may be made
without seal

25. Section 83 of *The Land Titles Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 204, s. 83,
amended

Application
of subs. 1

- (2) In subsection 1, "registered owner" means the registered owner of freehold or leasehold land or of a charge.

R.S.O. 1960,
c. 204, s. 91,
re-enacted

26. Section 91 of *The Land Titles Act* is repealed and the following substituted therefor:

Interpre-
tation

91.—(1) In this section,

- (a) "owner to uses" means a transferee registered under a transfer to uses;
- (b) "transfer to uses" means a transfer expressed to be given to such uses as the transferee may appoint by transfer, charge or will;
- (c) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Transfer to
uses may be
registered

- (2) A transfer to uses may be registered.

Exercise of
power of
appointment

- (3) An owner to uses may exercise his power of appointment by a transfer or charge in the prescribed form or by his will.

Charge does
not exhaust
power

- (4) An appointment by way of charge by an owner to uses does not exhaust his power of appointment.

Effect of
cessation of
charge

- (5) Notwithstanding the registration of a cessation of a charge,

- (a) that was made by way of appointment by the owner to uses; or
- (b) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the charge had not been made.

Effect of
default of
appointment

- (6) An owner to uses who dies without having exercised his power of appointment by transfer, charge or will shall be deemed to have appointed the land by way of transfer to himself immediately before his death.

Idem

- (7) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of charge and who dies without having appointed by way of transfer or will shall be

deemed

deemed to have appointed the unencumbered interest in the land by way of transfer to himself immediately before his death.

- (8) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses. No inchoate dower right
- (9) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death. Where widow entitled to dower

27. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

91a.—(1) A transfer or charge in which the transferee or chargee is a corporation, other than a municipal corporation or a corporation that was incorporated by an Act of Canada or Ontario, shall not be registered unless, Registration of letters patent of incorporation

(a) the letters patent of incorporation of the corporation; or

(b) a licence under which the corporation is empowered to hold land in Ontario,

or a notarial copy thereof, is registered in the companies register or other register kept in the office of land titles for the registration of such instruments.

(2) Where the name of a corporation within the purview of subsection 1 has been changed or where the corporation has been amalgamated with or absorbed by another corporation, the letters patent effecting the change, or a notarial copy thereof, shall be registered before the registration of any transfer or charge given by or to the changed corporation. Supplementary letters patent

(3) A transfer or charge in which the transferee or chargee is a corporation that was incorporated by an Act of Canada or Ontario shall not be registered until the proper master of titles is satisfied of the fact of such incorporation. Where incorporation by special Act

(4) A transfer or charge in which the transferee or chargee is a corporation, other than a corporation that was incorporated by or under an Act of Ontario or Licence to hold land

Quebec, shall not be registered, unless the licence under which the corporation is empowered to hold land in Ontario, or a notarial copy thereof, is registered under subsection 1 or unless the corporation is permitted by law to own land or charges on land in Ontario without a licence.

Compared
copy of
letters
patent

- (5) The proper master of titles may register a copy compared by him with the original letters patent in lieu of a notarial copy thereof.

R.S.O. 1960,
c. 204, s. 97,
amended

28. Section 97 of *The Land Titles Act* is amended by adding thereto the following subsections:

Notices

- (3) A notice to a subsequent encumbrancer or execution creditor shall allow him not less than fifteen days, exclusive of the day upon which the notice was served, during which he may serve upon the proper master of titles and on the chargee intending to exercise his power of sale a notice of intention to redeem the land, and, if the notice of intention is served within the time allowed, the subsequent encumbrancer may redeem the land upon payment in full of all moneys payable under the charge within such period, not less than thirty days from the date of service of the notice of intention to redeem, as may be allowed by the proper master of titles.

Reference to
R.S.O. 1960,
c. 245, s. 99,
Part II-A

- (4) The requirements of this section are in addition to those in Part II-A of *The Mortgages Act*, and, in case of conflict, this section prevails.

R.S.O. 1960,
c. 204, s. 99,
amended

29. Section 99 of *The Land Titles Act* is amended by adding thereto the following subsection:

Transfer of
charge may
include pro-
vision to
re-transfer

- (8) A charge of a charge shall not be registered, but a charge may be transferred subject to a provision to re-transfer it to the transferor of the charge upon the payment of a sum of money either with or without interest, or upon the performance of any other condition, and, until the charge has been re-transferred, the transferee of the charge shall for the purposes of this Act be deemed to be the absolute owner thereof.

R.S.O. 1960,
c. 204,
s. 109,
subs. 8,
re-enacted

30. Subsection 8 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Priorities
under leases

- (8) Subject to paragraph 4 of subsection 1 of section 51 and except where the person claiming an interest under a lease or agreement for a lease of which interest

a notice has been registered has actual notice of another interest under the lease or agreement for a lease or under another lease or agreement for a lease, the first-mentioned interest under the lease or under the agreement for a lease takes priority over one of which a notice has not been registered.

31. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

120a.—(1) The proper master of titles may issue to any person entitled to inspect the register of title a certificate of search in the prescribed form or in such form as may be authorized by the director of titles. Certificate
of search

(2) A certificate of search is *prima facie* evidence of the matters therein contained. Idem

32.—(1) Subsection 1 of section 122 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 122,
subs. 1,
re-enacted

(1) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. Registration
of conditions
and restric-
tions, on
application

(1a) The proper master of titles may register as annexed to the land a condition, restriction or covenant that is included in a transfer of registered land that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition, restriction or covenant running with or capable of being legally annexed to land. Registration
of conditions,
restrictions
and
covenants,
on transfer

(1b) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a covenant that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other covenant running with or capable of being legally annexed to land. Registration
of covenants,
on applica-
tion

(1c) A covenant shall not be registered under subsection 1b unless, Idem

(a)

- (a) the covenantor is the owner of the land to be burdened by the covenant;
- (b) the covenantee is a person other than the covenantor;
- (c) the covenantee owns land to be benefited by the covenant and that land is mentioned in the covenant; and
- (d) the covenantor signs the application to assume the burden of the covenant.

R.S.O. 1960,
c. 204,
s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsections:

Deletion
from register
after 40
years

- (6) Where a condition, restriction or covenant has been registered as annexed to or running with land and no period or date was fixed for its expiry, the entry of the condition, restriction or covenant may be deleted from the register by the proper master of titles upon an application being made by any person interested in the land at any time after forty years after the condition, restriction or covenant was registered, and the condition, restriction or covenant thereupon ceases to be enforceable.

Effect of
conditions
and restric-
tions

- (7) Where a condition or restriction has been registered as annexed to land, the condition or restriction is as binding upon any person who becomes the registered owner of the land or a part thereof as if the condition or restriction had been in the form of a covenant entered into by the person who was the registered owner of the land at the time of the registration of the condition or restriction.

R.S.O. 1960,
c. 204,
s. 132,
amended

33. Section 132 of *The Land Titles Act* is amended by striking out "daip" in the seventh line and inserting in lieu thereof "paid".

R.S.O. 1960,
c. 204,
s. 135,
subs. 1,
re-enacted

34. Subsection 1 of section 135 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of caution

- (1) A person claiming to have an interest in registered land or in a registered charge of which he is not the registered owner may apply to the proper master of titles for the registration of a caution to the effect that no dealing with the land or charge be had on the part of the registered owner or other

person

person named in the caution until notice has been served upon the cautioner in accordance with the rules.

35. Section 136 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 136, amended

- (4a) If the cautioner appears before the proper master of titles at the time and place mentioned in the notice served under subsection 3 but fails to satisfy the proper master of titles that the caution should continue, the proper master of titles may order that the entry of the caution be deleted from the register after the expiry of the prescribed number of days during which notice of an appeal may be served, and, if a copy of a notice of appeal is not served upon the proper master of titles within the prescribed number of days, the proper master of titles may delete the entry of the caution from the register, and thereupon the caution ceases to have effect and the land or charge mentioned in the caution may be dealt with as if no caution had been registered. Where cautioner appears

36. Section 143 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 143, amended

- (2) An agreement of purchase and sale or an assignment thereof shall not be registered, but a person claiming an interest in registered land under such an agreement may register a caution subject to the same conditions as in other cases. Agreement of purchase may be protected by caution

37. Subsection 8 of section 145 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 145, subs. 8, re-enacted

- (8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ, and of that amount the sheriff shall pay over \$1 to the proper master of titles. Fee
- (9) No additional fee is payable to the sheriff or to the proper master of titles in respect of a certificate under section 9b of *The Execution Act*. No fee under R.S.O. 1960, c. 126, s. 9b
- (10) Notwithstanding subsection 2 of section 3 of *The Bail Act*, copies of certificates of liens under that Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section. Liens for bail R.S.O. 1960, c. 28

R.S.O. 1960,
c. 204,
s. 152,
amended

38. Section 152 of *The Land Titles Act* is amended by inserting after "court" in the second line "or under subsection 11 of section 153", so that the section shall read as follows:

Alteration
of registered
description
of land

152. No alteration shall be made in the registered description of land, except under an order of the court or under subsection 11 of section 153 or under section 167 or by way of explanation, but this section does not extend to registered dealings with registered land in separate parcels, although the land was originally registered as one parcel.

R.S.O. 1960,
c. 204,
amended

39. *The Land Titles Act* is amended by adding thereto the following sections:

Order
prohibiting
dealings
until plan
registered

154a.—(1) The director of titles may, upon the request of the proper master of titles, issue an order prohibiting any dealing by way of transfer or charge with registered land until a plan of subdivision of the land is registered by the registered owner of the land, and, after the entry of the prohibiting order in the register for the parcel or parcels affected, no transfer or charge of the land shall be registered unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the land is described in accordance with and is within a reference plan of survey deposited for record under section 157;
- (c) the transfer or charge deals with the whole of a parcel according to the parcel register;
- (d) the transfer or charge deals with the whole of that part remaining to the registered owner of a parcel according to the parcel register; or
- (e) the director of titles endorses his consent to registration on the transfer or charge.

No prohibi-
tion in
certain cases

(2) The director of titles shall not issue an order under subsection 1 prohibiting dealings with land shown on a registered plan of subdivision or part thereof unless,

- (a) the plan has been registered for eight or more years; and

(b)

(b) each of the lots or blocks affected by the order,

(i) contains not less than one acre, or

(ii) has been divided into more than two parcels or parts of parcels.

(3) The director of titles may at any time by order withdraw or modify an order issued under subsection 1, and the subsequent order shall be registered against the parcels to be affected thereby, and the subsequent order shall thereupon be effective according to its nature and intent. Withdrawal or modification of prohibition

(4) An order under this section is exempt from *The Regulations Act*. The Order exempt under R.S.O. 1960, c. 349

154b. Subsections 1 to 10 of section 94 of *The Registry Act* apply *mutatis mutandis* to land registered under this Act, except that the director of titles has and may exercise the powers of the Inspector under those subsections. Application of R.S.O. 1960, c. 348, s. 94, subss. 1-10

154c. Section 92 of *The Registry Act* applies *mutatis mutandis* to land registered under this Act. Application of R.S.O. 1960, c. 348, s. 92

40. Section 155 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 155, amended

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated upon a duplicate of the plan so deposited, and the plan so prepared shall be certified by an Ontario land surveyor. Subsequent severance

41. Subsections 1, 2, 3 and 4 of section 157 of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 157, subss. 1-4, re-enacted

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of survey of the land certified by an Ontario land surveyor, to be known as a reference plan of survey, has been deposited for record in the proper office of land titles. Reference plan required in certain cases

(2) Subsection 1 does not apply to a transfer or charge, Saving

(a) of the whole of a registered parcel of land according to the parcel register;

(b)

(b) of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision or composite plan; or

(c) of the whole of a part according to a previously recorded reference plan of survey.

Idem

(3) The proper master of titles, having regard to the circumstances, may order that subsection 1 does not apply in the case of a transfer or charge mentioned in the order.

Withdrawal
of plan

(4) A plan recorded under this section may be withdrawn by the owner or owners of all the land shown on the plan unless a transfer or charge has been registered in accordance with the plan.

R.S.O. 1960,
c. 204,
s. 161,
subs. 2,
amended

42. Subsection 2 of section 161 of *The Land Titles Act* is amended by striking out "with respect to areas of subdivision control" in the third and fourth lines, so that the subsection shall read as follows:

Where
R.S.O. 1960,
c. 296, does
not apply

(2) Plans of subdivision registered under section 154 and composite plans registered under section 155 are not subject to the provisions of *The Planning Act*.

R.S.O. 1960,
c. 204,
s. 162,
subs. 1,
re-enacted

43. Subsection 1 of section 162 of *The Land Titles Act* is repealed and the following substituted therefor:

When
registered
plan not
binding

(1) No registered plan is binding on the person who registered it or upon any other person, unless a transfer or charge in which the land is described in accordance with the plan has been registered.

How
registered
plan may
be amended

(1a) Upon the application of the person by whom the plan was registered or of his assigns, or of the owner for the time being of land within the plan, amendments or alterations may be authorized or ordered to be made to a registered plan,

(a) by the court or a judge thereof;

(b) by the director of titles;

(c) where the land is not in the County of York including The Municipality of Metropolitan Toronto, by a judge of the county or district court of the county or district in which land shown on the plan is situate; or

(d)

- (d) where the land is situate in the County of York including The Municipality of Metropolitan Toronto, by the master of titles.

44.—(1) *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

172a. The Lieutenant Governor in Council may make regulations prescribing a code of standards and procedure for surveys and plans of registered land. Power to
make
regulations

(2) The Code of Standards and Procedure for Surveys and Plans prescribed by the regulations shall be deemed to have been made under section 172a of *The Land Titles Act*, as enacted by subsection 1 of this section, and to have been in force by virtue thereof on and after the 5th day of May, 1958. Ratification
of O. Reg.
111/58

45. Section 175 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 175,
re-enacted

175.—(1) Every instrument received and accepted for registration under this Act by the proper master of titles shall be retained in the custody of the proper master of titles in his office. Custody of
registered
documents

(2) Only the registered owner of land or of a charge or other person claiming an interest therein or lien thereupon or a solicitor acting for or an agent authorized in writing by such owner or other person has a right to inspect the parcel register for the land or any transfer, charge or other instrument affecting the land. Right of
owner and
others to
inspect

(3) Subsection 2 does not preclude inspection of parcel registers or instruments by, Inspection

(a) an employee of the Government of Canada or Ontario that requires information for use by the Government; for govern-
mental
purposes

(b) a member of or person employed by a municipal corporation or statute labour board or school board that requires information for assessment purposes; for municipal
purposes

(c) an Ontario land surveyor who requires information for survey purposes; or by surveyor

(d) any other person or class of persons to whom permission is given by the proper master of titles. by other
persons

Fees payable
on inspection

- (4) Subsection 3 does not permit the inspection of registers or instruments without payment of the prescribed fees, except where so specified by any other Act or by the proper master of titles.

Destruction
of certain
instruments

- (5) Notwithstanding subsection 1, an instrument may be destroyed by or under the authority of the proper master of titles,

(a) when it has been superseded by entries in the register; or

(b) when it has been completely recorded photographically and the photographic reproduction is retained and made available for inspection under this section.

R.S.O. 1960,
c. 204,
s. 177,
subs. 2,
re-enacted

46. Subsection 2 of section 177 of *The Land Titles Act* is repealed and the following substituted therefor:

Fees

- (2) A fee of 20 cents shall be paid by the municipality to the proper master of titles for the entry of every transfer, charge or lease in a list furnished under subsection 1.

Application
of
R.S.O. 1960,
c. 204, s. 34,
subss. 1, 7, 8

47. Subsections 1, 7 and 8 of section 34 of *The Land Titles Act*, as enacted by section 11 of this Act, apply in the case of every application made under a predecessor of the said subsection 1 as if such subsections had been so enacted at the time such applications were made.

Commence-
ment

48. This Act comes into force on the 1st day of June, 1962.

Short title

49. This Act may be cited as *The Land Titles Amendment Act, 1961-62*.

CHAPTER 71

The Legitimacy Act, 1961-62

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Where before or after the coming into force of this Act and after the birth of a person his parents have intermarried or intermarry, he is legitimate from birth for all purposes of the law of Ontario.

Subsequent
marriage

(2) Nothing in subsection 1 affects an interest in property that has vested in a person before the intermarriage of the parents or before the 1st day of July, 1921.

Interests
not
affected

2. Where before or after the coming into force of this Act a decree of nullity has been or is granted in respect of a voidable marriage, a child who would have been the legitimate child of the parties to the marriage if it had been dissolved instead of being annulled continues to be legitimate notwithstanding the annulment.

Voidable
marriages

3. Where before or after the coming into force of this Act a person,

Void
marriages,
special
cases

(a) in respect of whose spouse an order of presumption of death has been or is made either generally or *inter alia* in relation to remarriage; or

(b) whose spouse was a member of the Canadian Forces in respect of whom official notification that he is dead or is presumed to be dead has been given under the laws of Canada,

has entered into or enters into a marriage that would be valid if the spouse were in fact dead, then, if the person to whom the order of presumption of death relates or in respect of whom the official notification was given was alive when the marriage was entered into, a child of the persons entering into the marriage is legitimate from birth for all purposes of the law of Ontario.

Void
marriages,
generally

4. Subject to section 3, where before or after the coming into force of this Act a person has been or is born of parents who entered into a marriage that is void, the person is legitimate from birth for all purposes of the law of Ontario if,

- (a) the marriage was registered or recorded in substantial compliance with the law of the place where it was entered into; and
- (b) either of the parties reasonably believed that the marriage was valid.

Application
of ss. 2-4

5.—(1) Sections 2, 3 and 4 apply whether the child of the persons who entered into the marriage was born before or after entry into the marriage, but do not apply where the child was born eleven months after the marriage has been annulled or declared to be void by a court or other competent authority under the appropriate governing law.

Application
of Act

(2) This Act legitimates a child notwithstanding the death of the child before the intermarriage of the parents.

Interests
not affected

6. Nothing in section 2, 3, 4 or 5 affects an interest in property that has vested in a person before the coming into force of this Act or, in the case of a marriage after the birth of the child, before the intermarriage of the parents.

R.S.O. 1960,
c. 210,
repealed

7. *The Legitimation Act* is repealed.

Commence-
ment

8. This Act comes into force on the 1st day of July, 1962.

Short title

9. This Act may be cited as *The Legitimacy Act, 1961-62*.

CHAPTER 72

An Act to amend The Liquor Control Act

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *q* of subsection 1 of section 1 of *The Liquor Control Act* is amended by striking out “and includes” in the third line and by adding at the end thereof “and includes premises licensed under *The Liquor Licence Act*, except clubs”, so that the clause shall read as follows:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. *q*,
amended

(*q*) “public place” means a place, building or convenience to which the public has, or is permitted to have, access, any highway, street, lane, park or place of public resort or amusement, and includes premises licensed under *The Liquor Licence Act*, except clubs.

R.S.O. 1960,
c. 218

(2) Clause *s* of subsection 1 of the said section 1 is amended by striking out “or” at the end of subclause ii and by striking out subclause iii and inserting in lieu thereof the following:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. *s*,
amended

(iii) a trailer or tent that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling, together with the land immediately appurtenant thereto that in fact is reasonably used as part of the living accommodation; or

(iv) a vessel that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling.

2. Subsection 4 of section 37 of *The Liquor Control Act* is amended by striking out “beer or wine” in the fourth line, the eighth line and the thirteenth line and inserting in lieu thereof in each instance “liquor”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 217, s. 37,
subs. 4,
amended

(4) Notwithstanding the provisions of this Act and the regulations providing for the purchase, having, possession and consumption of liquor upon a permit, the Board may provide that liquor may be purchased,

Board may
authorize
purchase of
liquor with-
out permit

had,

had, possessed and consumed without a permit therefor for such time and upon and subject to such conditions and restrictions as the regulations prescribe, and, when and during the time the purchase, having, possession and consumption of liquor is authorized without a permit therefor, every provision of this Act and the regulations relating to the purchasing, having, possessing and consuming of liquor under a permit shall be construed with due regard to the fact that the purchase, having, possession and consumption of liquor may be made and had without such permit.

R.S.O. 1960,
c. 217, s. 88,
amended

3. Section 88 of *The Liquor Control Act* is amended by adding thereto the following subsection:

False state-
ments in
liquor
orders, etc.

- (5) No person shall upon a written order referred to in clause *a* of subsection 2 of section 32 or upon a proof of age certificate use any name other than his own, give a wrong or fictitious address or make any other false statement.

R.S.O. 1960,
c. 217, s. 106,
subs. 7
(1960-61,
c. 47, s. 1),
cls. *b*, *c*,
re-enacted

4. Clauses *b* and *c* of subsection 7 of section 106 of *The Liquor Control Act*, as re-enacted by section 1 of *The Liquor Control Amendment Act, 1960-61*, are repealed and the following substituted therefor:

- (*b*) where he has contravened such subsection at least twice during the twelve months preceding the date of the commission of the offence thereunder with which he is charged, he is liable to imprisonment for a term of thirty days; or
- (*c*) where it appears that he may benefit therefrom, he may be ordered to be detained for a term of ninety days in an institution for the reclamation of alcoholics that is designated for the purpose by the Lieutenant Governor in Council, but, if at any time during his term the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

R.S.O. 1960,
c. 217, s. 110,
subs. 3,
amended

5. Subsection 3 of section 110 of *The Liquor Control Act* is amended by striking out "Commissioner of Police for Ontario" in the second and third lines and inserting in lieu thereof "Commissioner of the Ontario Provincial Police Force".

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Liquor Control Amendment Act, 1961-62*.

CHAPTER 73

An Act to amend The Liquor Licence Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by adding at the commencement thereof "Except as provided by this Act", so that the section shall read as follows: R.S.O. 1960,
c. 218, s. 20,
amended

20. Except as provided by this Act, the decisions, orders and rulings of the Board are final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court, but the Board may, or at the request of any person having a proprietary interest in the matter before the Board shall, state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada). Finality
of orders

1953-54,
c. 51 (Can.)

2. *The Liquor Licence Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 218,
amended

24a. Notwithstanding the restrictions and prohibitions imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been organized and in active operation for not less than three years prior to the time of application for a licence. Licences,
certain class
of clubs
R.S.O. 1914,
c. 215

3. Subsection 2 of section 36 of *The Liquor Licence Act* is amended by striking out "leave has been granted" in the second line and inserting in lieu thereof "a preliminary application has been heard and approved", so that the subsection shall read as follows: R.S.O. 1960,
c. 218, s. 36,
subs. 2,
amended

Preliminary
application

- (2) No application for a licence shall be heard at any special meeting until a preliminary application has been heard and approved by the Board.

R.S.O. 1960,
c. 218, s. 37,
amended

4. Section 37 of *The Liquor Licence Act* is amended by striking out "After leave has been obtained" at the commencement and inserting in lieu thereof "After the preliminary application has been approved", so that the first three lines of the section shall read as follows:

Publication
of notice

37. After the preliminary application has been approved under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

.

R.S.O. 1960,
c. 218, s. 43,
amended

5. Section 43 of *The Liquor Licence Act* is amended by adding "or" at the end of clause *e* and by adding thereto the following clause:

- (f) if the licence holder is bankrupt or if a mortgagee enters into possession of the licensed establishment, but, notwithstanding sections 36 and 37, the Board may issue a temporary licence to a trustee in bankruptcy or a mortgagee in possession for not more than six months in order that he may dispose of the licensed establishment.

R.S.O. 1960,
c. 218,
amended

6. *The Liquor Licence Act* is amended by adding thereto the following section:

Right of
appeal

- 43a. Any licence holder whose licence is cancelled under section 42 or 43 may appeal from the order of the Board cancelling the licence, and the provisions of *The Liquor Control Act* relating to appeals apply *mutatis mutandis* to the appeal.

R.S.O. 1960,
c. 217

R.S.O. 1960,
c. 218, s. 52,
re-enacted

7. Section 52 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Public house
licences,
where two
issued for
an estab-
lishment

52. Except as permitted by the Board, where two premises are issued public house licences in an establishment, each of such premises shall have separate entrances for the public.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Liquor Licence Amendment Act, 1961-62*.

CHAPTER 74

**An Act to amend
The Loan and Trust Corporations Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 34 of *The Loan and Trust Corporations Act* is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$500", so that the subsection shall read as follows: R.S.O. 1960,
c. 222, s. 34,
subs. 2,
amended

- (2) No person is qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$500 has been paid in, and is not in arrear in respect of any call thereon. Qualifica-
tions of
directors

2. Section 49 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 49,
re-enacted

49. The par value of a share of capital stock shall be \$1 or any multiple thereof not exceeding \$100. Par value
of shares

3. Subsections 4 and 5 of section 78 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 78,
subss. 4, 5,
re-enacted

- (4) A trust company may at any time, and shall when required in writing by the Registrar so to do under subsection 5, file and pass an account of its dealings with respect to a common trust fund in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, has, subject to this section, the same duties and powers as in the case of the passing of executors' accounts. Passing of
accounts

When
account
final

- (5) An account filed with the Registrar pursuant to the regulations, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust company's administration of the common trust fund for the period covered by the account, unless within six months after the date upon which the account is so filed the Registrar requires in writing that such account be filed and passed before a judge of the surrogate court.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a,
re-enacted

- 4.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds two-thirds of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

Mortgages
and assign-
ments of life
insurance
policies

- (ab) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. d,
amended

- (2) Clause *d* of subsection 1 of the said section 137 is amended by inserting after "*a*" in the ninth line "*aa, ab*", so that the clause shall read as follows:

bonds
secured by
trustee

- (d) the bonds, debentures, debenture stock or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that

are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a*, *aa*, *ab* and *b*.

(3) Clause *g* of subsection 1 of the said section 137 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. *g*,
re-enacted

(*g*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

trans-
portation
equipment
security

(*i*) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(*ii*) a lease or conditional sale thereof by the trustee to the company.

(4) Clause *a* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 137,
subs. 3, cl. *a*,
re-enacted

(*a*) any of the securities mentioned in clauses *a*, *aa*, *ab*, *b* and *d* of subsection 1;

(*aa*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed two-thirds of the value of the real estate or leasehold;

(*ab*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

(*ac*) guaranteed investment certificates of a trust company.

R.S.O. 1960,
c. 222, s. 139,
subs. 4, cl. a,
re-enacted

5. Clause *a* of subsection 4 of section 139 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

government
bonds, etc.

(a) any of the securities mentioned in clauses *a*, *aa*, *ab*, *b* and *d* of subsection 1 of section 137;

mortgages

(aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

(ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

trust
company
securities

(ac) guaranteed investment certificates of a trust company.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1961-62*.

CHAPTER 75

An Act to amend The Local Improvement Act

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 8 of *The Local Improvement Act* is amended by striking out “Board” in the seventh line and inserting in lieu thereof “clerk”, so that the subsection shall read as follows: R.S.O. 1960, c. 223, s. 8, subs. 3, amended

(3) Where it is intended to proceed under this section, the council shall not be deemed to proceed on the initiative plan but there shall be published at least once a week for two weeks a notice of intention (Form 2) to apply to the Board for approval of the work being undertaken and any owner may within twenty-one days after the first publication of such notice file with the clerk his objection to the work being undertaken. Notice of application to Board

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 223, s. 8, amended

(7) The passing of a by-law to authorize the undertaking of a work under subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision that the by-law shall not take effect until approved by the Board. By-law not to be in contravention of subs. 1

2. Subsection 2 of section 51 of *The Local Improvement Act* is amended by adding at the end thereof “except that, in the case of an appeal by the owner of a lot specially assessed, the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner”, so that the subsection shall read as follows: R.S.O. 1960, c. 223, s. 51, subs. 2, amended

(2) The provisions of *The Assessment Act* as to appeals to the judge apply to an appeal under subsection 1, except that, in the case of an appeal by the owner of Application of R.S.O., 1960, c. 23

a lot specially assessed, the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner.

Commence-
ment

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of July, 1962.

Short title

4. This Act may be cited as *The Local Improvement Amendment Act, 1961-62*.

CHAPTER 76

An Act to amend The Magistrates Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 226, s. 4,
re-enacted

4.—(1) Notwithstanding *The Public Service Act*, every magistrate heretofore or hereafter appointed shall retire upon attaining the age of seventy years. Retirement,
general rule
R.S.O. 1960,
c. 331

(2) Notwithstanding *The Public Service Act* and sub-exception — section 1, every magistrate appointed before the 1st day of July, 1941, shall retire upon attaining the age of seventy-five years.

(3) Notwithstanding *The Public Service Act* and sub-exception sections 1 and 2, any magistrate appointed before the 1st day of July, 1962, may elect to have the provisions of *The Public Service Act* as to age of retirement apply to him.

2. This Act may be cited as *The Magistrates Amendment Act, 1961-62*. Short title

CHAPTER 77

An Act to amend The Master and Servant Act

Assented to (except secs. 1 (1, 3) and 2) December 15th, 1961

Secs. 1 (1, 3) and 2 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Master and Servant Act* is amended by striking out “\$200” in the thirteenth line and inserting in lieu thereof “\$500”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 230, s. 4,
subs. 1,
amended

- (1) Upon the complaint on oath of a servant or labourer against his master or employer concerning any non-payment of wages, a justice of the peace may summon the master or employer to appear before him at a reasonable time to be stated in the summons, and he or some other justice upon proof on oath of the personal service of the summons, or of its service as hereinafter authorized, shall examine into the matter of the complaint, whether or not the master or employer appears, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master or employer, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$500, and the justice shall make such order as to him seems just and reasonable for the payment of such wages, with costs, and in case of the non-payment of the same, together with the costs, for the space of eight days after the order has been made the justice shall issue his warrant of distress for the levying of the wages, together with the costs of the order and of the distress.

Complaints
by servants
for non-
payment
of wages

(2) The said section 4 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 230, s. 4,
amended

- (1a) Where the justice of the peace before whom a complaint is laid under this section is satisfied that the master or employer is about to quit the territorial

Warrant
to arrest

jurisdiction

jurisdiction of the justice of the peace, the justice of the peace may issue a warrant (Form 1) for the arrest of the master or employer.

R.S.O. 1960,
c. 230, s. 4,
subs. 3,
amended

(3) Subsection 3 of the said section 4 is amended by striking out "one month" in the first and second lines and in the third line and inserting in lieu thereof in each instance "six months", so that the subsection shall read as follows:

Time
within
which pro-
ceedings
may be
taken

(3) Proceedings may be taken under this Act within six months after the engagement or employment has ceased, or within six months after the last instalment of wages under the agreement of hiring has become due, whichever last happens.

R.S.O. 1960,
c. 230, s. 12,
subs. 2,
amended

2. Subsection 2 of section 12 of *The Master and Servant Act* is amended by striking out "foreman or to any other person whose wages are more than \$5 a day" in the second and third lines and inserting in lieu thereof "superintendent", so that the subsection shall read as follows:

Section
not to apply
to certain
persons

(2) This section does not apply to any manager, officer or superintendent.

R.S.O. 1960,
c. 230,
amended

3. *The Master and Servant Act* is amended by adding thereto the following form:

FORM 1

The Master and Servant Act
(Section 4 (1a))

WARRANT TO ARREST

Province of Ontario }
of }

To the Peace Officers in the said.....

Whereas a complaint has been made against.....

of.....under *The Master and Servant Act*; and

whereas I am satisfied that the said.....is about to

quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith

to arrest the said.....and bring him before

.....to be dealt with according to law.

DATED at....., this.....day of....., 19....

.....
Justice of the Peace

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Master and Servant Amendment Act, 1961-62*.

CHAPTER 78

An Act to amend The Mechanics' Lien Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 233, s. 25, amended

- (8) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 4, a judge having jurisdiction, or, in the County of York, the master, may, upon the consent of all parties and lien claimants affected, order the money paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be. Payment of money out of court

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Mechanics' Lien Amendment Act, 1961-62*. Short title

CHAPTER 79

An Act to amend The Mental Hospitals Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 236, s. 5,
subs. 2,
amended

(ha) prescribing the terms and conditions upon which leave of absence from the hospital may be granted to any patient or class of patients, prescribing the length of any leave of absence and providing that sections 39 and 40 apply *mutatis mutandis* to any patient or any class of patients who are granted leave of absence.

(2) Clause *q* of subsection 2 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960,
c. 236, s. 5,
subs. 2, cl. *q*,
re-enacted

(q) prescribing the amounts to be paid by the Department for the care and maintenance of patients or former patients in approved homes.

(3) Subsection 2 of the said section 5 is further amended by adding thereto the following clause: R.S.O. 1960,
c. 236, s. 5,
subs. 2,
amended

(ra) prescribing the amounts that may be paid by the Department to medical practitioners who are not officers of the Department for the examination and certification of persons who are or are believed to be in need of observation, care and treatment in an institution and prescribing the terms and conditions of such payments.

2. Clause *d* of section 19 of *The Mental Hospitals Act* is amended by adding at the end thereof "or the *Criminal Code* (Canada)", so that the clause shall read as follows: R.S.O. 1960,
c. 236, s. 19,
cl. *d*,
amended

(d) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations or the *Criminal Code* (Canada). 1953-54,
c. 51 (Can.)

R.S.O. 1960,
c. 236,
amended

3. *The Mental Hospitals Act* is amended by adding thereto the following sections:

Interpre-
tation

27a. In sections 28 and 28a,

(a) "hospital" does not include an approved home;

(b) "safe and comfortable place" includes a hospital.

.

Where
admission
to hospital
mandatory

28a.—(1) Notwithstanding subsection 4 of section 28, a person apprehended under that subsection may be conveyed to a hospital and the superintendent shall admit such person as a patient.

Detention

(2) The superintendent may detain a person admitted to a hospital under this section for a period of not more than forty-eight hours if his detention is required for his own protection or the protection of others.

Disposition
of patients

(3) A person who has been admitted to a hospital under this section shall be discharged, or certified under section 22, or certificated under section 27 within forty-eight hours after his admission.

R.S.O. 1960,
c. 236, s. 38,
subs. 1,
amended

4. Subsection 1 of section 38 of *The Mental Hospitals Act* is amended by striking out "and any order made under this section shall direct that the person shall be conveyed to the institution most conveniently situated to the place where the order is made" in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

Admission
on order
of judge
or
magistrate

(1) Any person may be admitted to an institution upon the order of a judge or magistrate if the person has been apprehended either with or without warrant and charged with any offence, if the order is accompanied by the prescribed history form and if the order is for a period of not more than sixty days.

R.S.O. 1960,
c. 236,
amended

5. *The Mental Hospitals Act* is amended by adding thereto the following section:

Leave of
absence

40a. The superintendent may grant leave of absence from the hospital to any patient or class of patients upon such terms and conditions and for such period of time as the regulations prescribe.

6. Subsection 2 of section 49 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 236, s. 49,
subs. 2,
re-enacted

- (2) Subject to section 27, a person received and detained under subsection 1 shall not be detained more than five days after having given notice in writing of his desire to leave the institution.

Period of
detention

7. Subsection 4 of section 62 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,
c. 236, s. 62,
subs. 4,
repealed

8. Subsection 4 of section 68 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,
c. 236, s. 68,
subs. 4,
repealed

9. Clause *b* of section 83 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1960-61*, is further amended by adding at the end thereof "or the *Criminal Code* (Canada)", so that the clause shall read as follows:

R.S.O. 1960,
c. 236, s. 83,
cl. *b*,
amended

- (*b*) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations or the *Criminal Code* (Canada).

1952-53,
c. 51 (Can.)

10. Part XI of *The Mental Hospitals Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 236,
Part XI
(ss. 104-109),
re-enacted;
(ss. 110-113),
repealed

PART XI

MENTAL HEALTH CENTRES

104. In this Part, "mental health centre" means accommodation and facilities established and maintained for the purpose of examining, diagnosing and treating persons for psychiatric disorders.

Interpre-
tation

105. The Minister may approve any building, premises or place, or any part thereof, as a mental health centre, to be known by such name as he designates.

Approval
of
premises

106. A duly qualified medical practitioner, to be known as "the Director", shall be in charge of each mental health centre.

Director

107. Subject to the approval of the Lieutenant Governor in Council, the Minister may make an agreement with any hospital or other institution for the purpose of establishing and maintaining a mental health centre in the hospital or institution.

Operating
agreements

Examination
on order of
magistrate

108. A duly qualified medical practitioner on the staff of a mental health centre may conduct an examination of the physical and mental condition of any person on order of a magistrate.

Regulations

109. The Lieutenant Governor in Council may make regulations in respect of mental health centres governing and regulating,

(a) the inspection, management and operation thereof;

(b) the care and treatment that may be given therein;

(c) the appointment of staff, and prescribing their powers and duties.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Mental Hospitals Amendment Act, 1961-62*.

CHAPTER 80

An Act to amend The Milk Industry Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 16 of section 17 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 17,
par. 16,
re-enacted

16. providing for the manner of payment and the payment of price differentials for any grade of fluid milk and of milk and cream for manufacture into a milk product;

16a. providing for the manner of payment and the fixing of price differentials for milk fat in fluid milk and in milk for manufacture into a milk product;

16b. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product.

(2) Paragraph 20 of the said section 17 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 17,
par. 20,
re-enacted

20. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of fluid milk and of milk and cream for manufacture into a milk product and the payment for the fluid milk, milk and cream.

2. Section 18 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 18,
re-enacted

18.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Board issues a certificate to the Minister of Transportation of milk
by pro-
ducers' co-
operative
R.S.O. 1960,
c. 71

R.S.O. 1960,
c. 319

Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk.

Revocation
of
certificates

- (2) The Board may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport.

Expiration
of
certificates

- (3) Every certificate heretofore issued by the Board or by any predecessor thereof, under the authority of this section or any predecessor thereof, expires ninety days after this section comes into force.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Milk Industry Amendment Act, 1961-62*.

CHAPTER 81

An Act to amend The Mining Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts IX, X and XI of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
 c. 241,
 Pts. IX,
 X, XI
 (ss. 161-626),
 re-enacted;
 (ss. 627-636),
 repealed

PART IX

OPERATION OF MINES

161.—(1) In this Part,

Interpre-
 tation

- (a) “authorized” means properly authorized to perform any specified duty or to do any specified act;
- (b) “engineer” means a member of the Association of Professional Engineers of the Province of Ontario who is designated by the Department as the “chief” or as a “district”, “electrical” or “mechanical” engineer of mines for Ontario;
- (c) “manager” means the person responsible for the control, management and direction of a mine or a part of a mine or works;
- (d) “qualified” means properly qualified to perform any specified duty or to do any specified act;
- (e) “rescue station superintendent” means a person in charge of a mine rescue station.

(2) Subject to the requirements of this Act and except as otherwise provided in this Act, responsibility for the authorization and decisions as to the qualifications of employees rests with the employer or his agent. R.S.O. 1960, c. 241, s. 161.

EMPLOYMENT IN AND ABOUT MINES

Employment, of children 162.—(1) No male person under the age of sixteen years shall be employed in or about a mine, and no male person under the age of eighteen years shall be employed underground in a mine or at the working face of an open-cut workings, pit or quarry.

of females (2) No female person shall be employed at a mine except on surface in a technical, clerical or domestic capacity or such other capacity that requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort. R.S.O. 1960, c. 241, s. 162.

MINE RESCUE STATIONS

Establishment 163.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister directs.

Mine rescue officers (2) The Lieutenant Governor in Council may appoint such mine rescue officers as he deems advisable.

Duty of mine rescue officers (3) The equipment and operation of mine rescue stations shall be in the charge of mine rescue officers, and it is the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner as the chief engineer directs, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the chief engineer deems necessary.

Training of rescue crews (4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the district engineer deems necessary.

Responsibility in mine rescue operations (5) The mine manager is responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine.

Cost (6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund.

Idem (7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6.

(8) All moneys received from the sale or disposal of any equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. R.S.O. 1960, c. 241, s. 163.

HOURS OF LABOUR UNDERGROUND

164.—(1) In this section,

Interpre-
tation

- (a) "shift" means a body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same;
- (b) "workman" means a person employed underground in a mine who is not the owner or agent or an official of the mine,

and, where any question or dispute arises as to the meaning or application of clause *b* of subsection 2 or as to the meaning of "shift", "workman", or "underground", the certificate of the engineer is conclusive.

(2) No workman shall remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, except that,

- (a) a shift or any part of a shift may remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday or on a holiday or changing shift;
- (b) such limit does not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor does it apply in cases of emergency where life or property is in imminent danger, nor does it apply in cases of repair work.

(3) No person shall operate or be permitted to operate, either on the surface or underground, a hoist, by means of which persons or material are hoisted, lowered or handled in a shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,

- (a) that, in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and

where

where no competent substitute is available, the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;

(b) that, in the case where the work at a mine or in a shaft or winze at a mine is not carried out continuously on three shifts per day, the hoistman may work such extra time as is necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift;

(c) in the cases provided for in clauses *a* and *b* of subsection 2.

Application
of section

(4) This section applies to all parts of Ontario without county organization, and applies to the other parts of Ontario on a day to be named by the Lieutenant Governor by his proclamation. R.S.O. 1960, c. 241, s. 164.

QUALIFICATIONS OF HOISTMEN

Age limit
of hoistmen

165.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoist shall be allowed to have charge of a hoist at a shaft or winze in which men are handled at a mine.

Idem

(2) No person under the age of eighteen years shall be allowed to have charge of a hoist at a mine.

Hoistman
to be
holder of
medical
certificate

(3) No person shall operate or be permitted to operate a hoist at a shaft or winze in which men are handled at a mine, or for any other purpose designated by an engineer, unless the person has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to the person on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties.

Expiry of
certificate

(4) Such certificate lapses and shall be deemed to have expired at the end of one year from its date.

Filing of
certificate

(5) Such certificate shall be kept on file by the employer and made available to an engineer at his request.

(6)

(6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each. R.S.O. 1960, c. 241, s. 165. Posting
record of
certificates

(7) This section does not apply to the operation of hoists when on automatic control. *New.* Automatic
hoist
exempted

166. Where a contravention of section 162, 164 or 165 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work. R.S.O. 1960, c. 241, s. 166. Proceedings
where
persons
employed
contrary
to Act

MEDICAL EXAMINATIONS

167.—(1) In this section,

Interpre-
tation

- (a) "applicant" means a person who is not the holder of a certificate in good standing who is seeking employment in a dust exposure occupation;
- (b) "certificate" means an initial certificate, an extended certificate, an endorsed certificate, a miner's certificate or a renewed certificate;
- (c) "dust exposure occupation" means,
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine, other than at a pit or quarry, in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution,
 - (iii) employment at other locations, as designated by the chief engineer, at the surface of a mine or in a pit or quarry;
- (d) "endorsed certificate" means an initial certificate or extended certificate that has been endorsed under clause *b* of subsection 7;
- (e) "extended certificate" means an initial certificate that has been extended under clause *a* of subsection 7;

(f)

- (f) "initial certificate" means a certificate issued to an applicant under subsection 6;
- (g) "medical officer" means a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;
- (h) "miner's certificate" means a certificate issued under subsection 8;
- (i) "renewed certificate" means a miner's certificate that has been renewed under subsection 9. R.S.O. 1960, c. 241, s. 167 (1), *amended*.
- R.S.O. 1960, c. 437
- (2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.
- Employment in dust exposure occupation
- (3) Subject to subsection 4, every certificate remains in force for not more than twelve months, except that a medical officer may at any time recall the holder of a certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel the certificate in accordance with his finding upon the examination.
- Term of certificate
- (4) In those parts of Ontario where the examinations under subsections 6 to 9 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct an examination prior to the date of expiration of a certificate, and the holder of a certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.
- Examination by travelling medical officer
- (5) Where a certificate of a person employed in the mining industry has expired because of the failure of its holder to present himself to a medical officer for examination, a medical officer may extend, endorse or renew the certificate or issue a miner's certificate, as the circumstances of the case require, if he is satisfied that the failure was caused by the inability of the holder to so present himself because of illness or other circumstances beyond his control.
- Expiration of certificate
- (6) Every applicant shall be examined by a medical officer before commencing employment, and, if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall issue to the applicant an initial certificate.
- Examination before employment

(7) The holder of an initial certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall,

- (a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend the certificate for such period as he deems necessary to permit the holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend the certificate for the same purpose; and
- (b) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse the certificate.

(8) The holder of an endorsed certificate who since the endorsement of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to its expiration, present himself to a medical officer for examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall issue him a miner's certificate.

(9) The holder of a miner's certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall renew the certificate, which may be further renewed from year to year upon the passing of a similar examination.

(10) The holder of a certificate who for any reason is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and, upon presentation of the holder's certificate, the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as is warranted by his findings upon the examination.

(11) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended

or endorsed, such certificate is void and its holder is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Holder of
endorsed or
miner's
certificate

(12) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate is void and the holder thereof is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-
employment
exceeds
three years

(13) Where the holder of a certificate has been out of employment in the mining industry for a period exceeding three years, he is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of
certificate

(14) The manager or superintendent of the mine at which the holder of a certificate is employed may require the certificate to be delivered to and left in the custody of the manager or superintendent during the period of the holder's employment at the mine, but the certificate shall be returned to the holder upon the termination of his employment at the mine.

Exemption

(15) The chief engineer may exempt from subsections 2 to 14 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.

Idem

(16) Subsections 2 to 14 do not apply to a person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations

(17) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the nature of the examination to be made by a medical officer under subsections 6 to 11;
- (b) prescribing the forms of certificates and extensions, endorsements and renewals thereof;
- (c) generally for the better carrying out of this section. R.S.O. 1960, c. 241, s. 167 (2-17).

PROTECTION OF UNUSED WORKINGS

Fencing

168.—(1) Where a mine has been abandoned or the work in it has been discontinued, its owner or lessee or any other person interested in the mineral of the mine shall cause the

top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth or other conditions, to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the engineer, except where in his opinion the mine or workings present no greater hazard than the natural topographic features of the district.

(2) Every such person who, after notice in writing from the engineer, fails to comply with his directions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act. Failure to erect fence after notice

(3) Where the engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister prescribes may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. When engineer may erect fence

(4) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the engineer in any court of competent jurisdiction. Recovery of costs of work

(5) Notwithstanding subsections 3 and 4, the Minister, either without payment or on such terms and conditions as he deems proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien registered under subsection 3 is void and of no effect. Discharge of fencing liens
R.S.O. 1960, c. 241, s. 168.

PROCEDURE, FATAL ACCIDENTS

169.—(1) Where a fatal accident occurs in or in connection with a mine, an inquest shall be held. Coroner to hold inquest

(2) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred. Duty of manager

(3) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs is ineligible to act as coroner in connection with such accident. Eligibility of coroner

(4)

Supervising
Coroner
may direct

(4) Where a fatal accident occurs in or in connection with a mine at a place that is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Supervising Coroner for Ontario may direct such coroner to issue his warrant and conduct an inquest, and the direction is such coroner's authority therefor.

Right of
engineer
re inquest

(5) The engineer and any person authorized to act on his behalf are entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine, and, if the engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken.

Notice of
fatal
accidents

(6) Where in or about a mine, metallurgical works, quarry, or sand, clay or gravel pit, an accident occurs that causes loss of life to a person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the engineer resident in that part of Ontario in which the accident occurred and the chief engineer by telephone or telegraph.

Scene to be
undisturbed

(7) Subject to subsection 8, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until the engineer has completed an investigation of the circumstances surrounding the accident.

Permission
to alter
scene

(8) Where it is impossible for the engineer to make an immediate investigation of an accident, the chief engineer or engineer may permit the wreckage, article and things at the scene of or connected with the accident to be moved to such extent as is necessary to permit the work of the mine, metallurgical works, quarry, or sand, clay or gravel pit, to be proceeded with, if photographs or drawings showing details of the scene of the accident have been made prior to the moving. R.S.O. 1960, c. 241, s. 169.

RESPONSIBILITY AS TO PROVISIONS

Suspension
of provision

170.—(1) Where the owner, agent or manager of a mine, by an application in writing stating the reasons therefor, requests the engineer to suspend the requirements of sections 173 to 594 as to such mine, the chief engineer may in writing direct that the requirements of any such provision do not apply to such mine, or may in writing direct that any

such

such provision does not apply so long as such limitations and conditions as he sees fit to impose are observed or complied with.

(2) The chief engineer may at any time cancel any order made under subsection 1 or make such alterations therein as he deems proper in view of any change in the conditions under which the order was made or upon it appearing to him that such change is advisable for any other reason. ^{Cancellation of suspension}

(3) The manager of a mine may make rules not inconsistent with any provision of this Part or any special direction made by an engineer as herein provided for the maintenance of order and discipline and the prevention of accidents in the mine, and may submit any rule so made to the chief engineer who shall lay the rules before the Minister for his approval, and, upon such approval being given, the rules take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, but the Minister may disallow any of such rules or direct such changes to be made in them as he deems proper. ^{Manager may make rules}

(4) Every such rule, after approval and when and so long as it is posted up and is legible, has the same force and effect as the provisions of this Act, and any person who contravenes any such rule is liable to the penalty provided for a breach of the provisions of this Act. ^{Offence}

(5) The owner of a working mine or works shall appoint a manager who is responsible for the control, management and direction of the mine or works. ^{Responsibility as to carrying out rules}

(6) Except as to any provisions that the chief engineer has directed are not applicable thereto, ^{Idem}

(a) the manager of the mine shall take all necessary and reasonable measures to enforce the provisions of this Part and to ensure that they are observed by every employee of the mine, and every foreman, shift boss, mine captain and department head shall take all necessary and reasonable measures to enforce the requirements of all such provisions as are applicable to the work over which he has supervision and to ensure that they are observed by the workmen under his charge and direction;

(b) every workman shall take all necessary and reasonable measures to carry out his duties in accordance with such provisions as are applicable to the work in which he is engaged; and

(c)

- (c) every person through whose neglect or wrongful act a contravention occurs shall be deemed to have incurred the penalties provided for a breach of the provisions of this Part.

Idem

(7) The manager of a working property shall appoint one or more suitable persons who are responsible, during the manager's absence, for taking all necessary and reasonable measures to enforce the requirements of subsection 6.

Owner to give facilities to manager to comply

(8) The owner or agent shall provide the manager of a mine or works with the necessary means and shall afford him every facility for complying with this Part.

Liability of contractors and sub-contractors

(9) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the provisions of this Part pertaining to the work over which he has control and is, in any case of non-compliance therewith, guilty of an offence and punishable in like manner as if he were the owner or agent. R.S.O. 1960, c. 241, s. 170.

REQUIREMENTS

Requirements

171. Subject to section 170, sections 173 to 594 shall be observed and carried out at every mine. R.S.O. 1960, c. 241, s. 171.

Interpretation

172. In sections 173 to 594,

- (a) "blasting agent" means a type of explosive of low sensitivity that cannot, as mixed and packaged for use, be detonated by a single No. 8 detonator, and, unless specified, the requirements for explosives do not apply to a blasting agent;
- (b) "charge" means explosives or a blasting agent that may be exploded by a single detonator or a detonator and primer;
- (c) "drum hoist" means the type of hoist that spools the rope on the hoist drum;
- (d) "explosives" includes detonators and those powders that are cap sensitive with a single detonator as packaged for use, and includes black blasting powder;
- (e) "fire-resisting", when applied to buildings, structures or parts thereof, means constructed of steel, masonry, reinforced concrete or other equivalent material or any combination of such materials;

(f)

- (f) "friction hoist" means the type of hoist where the rope is driven by the friction between it and the drum tread and where the rope is not spooled on the hoist drum but passes over or around it;
- (g) "shot" means the sound of a charge or charges being exploded,

and the decision of an engineer as to whether or not a situation complies with a requirement therein in which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive, and a certificate of any such decision signed by the engineer may be used as evidence in any court. R.S.O. 1960, c. 241, s. 172, *amended*.

173.—(1) It is the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender, and every person in charge of workmen, or who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus in or about a mine, to know the requirements of this Part that apply to the work in which he is engaged, ^{Duty as to knowledge of requirements}

(2) Every person employed as a foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language. ^{Foreman, knowledge of English language}

(3) Every person in charge as a deckman, cagetender, skiptender or hoistman shall have a knowledge of the English language adequate for enabling him to carry out his duties in a thoroughly safe manner. R.S.O. 1960, c. 241, s. 173. ^{Other workmen, knowledge of English language}

Fire Protection

174.—(1) General procedure to be followed both on surface and underground in case of fire underground or in a mine plant building that may endanger the mine entrance shall be drawn up, and all persons concerned shall be informed and kept informed of their duties. ^{Procedure}

(2) Copies of the procedure or suitable excerpts shall be kept posted in the shafthouse and other prominent places. ^{Posting}

(3) Procedures for fighting fire in surface plant buildings at a mine shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places. ^{Idem}

Tests

(4) Tests of the effectiveness of such procedure shall be made at least once a year and a report of the effectiveness of the test shall be made available to the engineer. R.S.O. 1960, c. 241, s. 174.

Stench
warning

175.—(1) Every mine worked from shafts or adits producing over 100 tons of ore per day and such other mines as are designated by the engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the chief engineer, and such apparatus shall be available at all times in a suitable location and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

Idem

(2) A test of the effectiveness of the procedure set out in subsection 1 of section 174 shall be made at least once a year. R.S.O. 1960, c. 241, s. 175.

Flammable
refuse

176.—(1) No flammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and brought to the surface and there disposed of in a suitable manner.

Idem

(2) Flammable refuse shall not be allowed to accumulate in or about a headframe, shafthouse, portalhouse or any other plant building.

Idem

(3) Suitable metal containers for the temporary disposal of flammable refuse, such as scrap paper, oily waste, rags and other similar materials, shall be provided at all shaft stations, underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery or equipment or stores, and such containers shall be regularly emptied and the material accumulated brought to the surface and disposed of in a suitable manner.

Unused
timber

(4) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Certificate
as to
flammable
refuse

(5) Every shift boss or mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of flammable refuse underground in the area under his supervision except as reported by him.

Storage of
oil and
grease

(6) Oil, grease or other flammable material shall not be stored in a shafthouse or portalhouse, but it is permissible, if adequate precautions are taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

(7) Volatile, flammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of metal containers. ^{Volatile, flammable liquids}

(8) Oil, grease or volatile flammable liquid while underground shall be contained in suitable receptacles, and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile flammable liquid kept underground shall not exceed the requirements for the current day's work. R.S.O. 1960, c. 241, s. 176. ^{Oil and grease underground}

177. No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided. R.S.O. 1960, c. 241, s. 177. ^{Building fires prohibited}

178. Where open-flame lights are used at a mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resisting materials, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resisting material to a height of eight feet. R.S.O. 1960, c. 241, s. 178. ^{Open-flame lights, precautions}

179. All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 179. ^{Underground structures}

180.—(1) If the engineer is of the opinion that a fire hazard may be created at a mine by smoking, or by the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate the mine or part or parts of the mine as a fire hazard area. ^{Fire hazard areas}

(2) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the engineer and under such conditions as he deems proper. ^{Idem}

(3) Such fire hazard areas shall be properly identified by suitable warning signs. ^{Idem}

(4) The owner or manager shall cause such signs to be installed and maintained as long as the area is so designated. R.S.O. 1960, c. 241, s. 180. ^{Idem}

When flammable gas encountered in mine

181. When a flammable gas in dangerous concentrations has been found to exist in a mine working, such working or the parts of such working concerned shall immediately be considered a fire hazard area, and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. R.S.O. 1960, c. 241, s. 181.

Fire-fighting equipment

182.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shaft-house, portalhouse and every other plant building and at every shaft or winze station underground.

Idem

(2) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the engineer, no fire hazard exists.

Idem

(3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. R.S.O. 1960, c. 241, s. 182.

Storage of carbide

183.—(1) Calcium carbide shall be stored on the surface only, in a suitable, dry place, other than the shafthouse or portalhouse or changehouse, and in its original unopened container.

Distribution of carbide

(2) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine.

Idem

(3) Such distribution shall not take place in a shafthouse, portalhouse or changehouse unless such structure is fire-resisting but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

Handling of carbide

(4) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. R.S.O. 1960, c. 241, s. 183.

Fire protection where torches used

184. Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in a headframe, shafthouse, portalhouse or other building in which a fire may endanger the mine entrance or the underground

workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. R.S.O. 1960, c. 241, s. 184.

185.—(1) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators and manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. ^{Underground transportation of compressed gases}

(2) Any such removable protective device shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location. ^{Idem}

(3) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices. ^{Operation of welding and cutting torches}

(4) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. R.S.O. 1960, c. 241, s. 185. ^{Compressed gas}

186. No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of a mine. R.S.O. 1960, c. 241, s. 186. ^{Generation of gas underground forbidden}

187.—(1) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escape-ment exit. ^{Escapement exit}

(2) Such exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such exit shall be of such material and so constructed to reduce the fire hazard to a minimum. ^{Location of exit}

(3) If such an escapement exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until it is completed, and means of escapement, other ^{When necessary}

than

than the main outlet of the mine, shall be provided to and connected with the lowest level on which stoping operations are being carried on.

Size of
exit

(4) The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Monthly
exit
inspection

(5) The manager shall depute some competent person or persons to make an inspection of such escapement exit at least once a month.

Record of
inspection

(6) A record of such inspection and the conditions found shall be made in writing by the person making it.

Legible
signs show-
ing exits

(7) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of the escapement exits. R.S.O. 1960, c. 241, s. 187.

Buildings in
proximity
to mine
entrance

188. Unless there is first provided a second means of exit from the mine workings, no building of other than fire-resisting construction shall be erected within fifty feet of any closed-in part of a headframe or portalhouse, except that the building housing the hoist and power plant equipment may be erected within this distance so long as such distance is not less than thirty-five feet. R.S.O. 1960, c. 241, s. 188.

Auxiliary
exits for
plant
buildings

189.—(1) All plant buildings where men are regularly employed, except those buildings used for explosives, shall have suitable and adequate auxiliary exits in addition to the main entrance.

Availability

(2) Such auxiliary exits shall be maintained for use in case of fire. R.S.O. 1960, c. 241, s. 189.

Location
of boilers
and diesel
engines

190. No steam boiler or diesel engine shall be installed in such a manner that any part thereof is within seventy-five feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 190.

Location
of internal
combustion
engines

191. No gasoline or other internal combustion engine using highly volatile liquids or flammable gases shall be installed within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of a shaft or other entrance to a mine. R.S.O. 1960, c. 241, s. 191.

Exhaust of
internal
combustion
engines

192.—(1) Where an internal combustion engine is installed at a mine, provision shall be made for safely conducting the exhaust of such engine to a point well outside the building.

(2) The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of an air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings. R.S.O. 1960, c. 241, s. 192.

193.—(1) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. ^{Storage of liquid fuels}

(2) The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. R.S.O. 1960, c. 241, s. 193. ^{Idem}

194.—(1) The fuel tanks of an internal combustion engine installed in a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit. ^{Transfer of liquid fuel}

(2) Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air will be conducted to a safe point outside the building before being discharged into the atmosphere. ^{Idem}

(3) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 194. ^{Idem}

195.—(1) Where practicable, there shall be a sufficient number of fire doors installed underground to cut off the shaft and the mine openings directly associated with it from the other workings of the mine. ^{Fire doors}

(2) Fire doors shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times. R.S.O. 1960, c. 241, s. 195, *amended*. ^{Properly maintained}

196. Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places in the mine as he directs, and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. R.S.O. 1960, c. 241, s. 196. ^{Refuge stations}

Connection
between
mines

197.—(1) Where the chief engineer deems it necessary or advisable for the protection of workmen employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations.

Idem

(2) Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this section, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected.

Committee

(3) Upon the approval of such a recommendation of the chief engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in its behalf on a committee under the chairmanship of a third party, who shall be a mining engineer recommended by the chief engineer and appointed to the chairmanship of the committee by the Minister, and the committee shall determine,

- (a) the design, specifications and location of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of the work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (c) the time at which the work in compliance herewith shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions or requirements as in the premises they deem necessary or advisable.

Idem

(4) The committee shall submit a report in writing to the Minister, and a report of the majority of the committee shall be deemed to be the finding of the committee.

Idem

(5) Upon the approval by the Minister of the report of the committee, the chief engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any are recommended) in accordance with the terms of the report.

(6) A copy of the report shall be attached to the order and ^{Idem} forms a part thereof.

(7) No such order is subject to appeal upon any ground ^{Idem} whatsoever and is enforceable in the same manner as any order of the chief engineer. R.S.O. 1960, c. 241, s. 197.

Aid to Injured

198.—(1) At every mine, there shall be maintained a ^{Stretchers} sufficient number of properly-constructed stretchers for the proper handling and transporting of persons who are injured in the discharge of their duties about the mine.

(2) There shall be provided and maintained at every mine ^{First aid supplies} for the treatment of any person injured such first aid supplies as are required by the regulations under *The Workmen's R.S.O. 1960, c. 437 Compensation Act.* R.S.O. 1960, c. 241, s. 198.

Handling Water

199. Every working mine shall be provided with suitable ^{Removal of water from mine workings} and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in the mine or in any adjoining mine. R.S.O. 1960, c. 241, s. 199.

200. Where there is or may be an accumulation of water, ^{Precautions against flow of water} any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as are deemed necessary to obviate the danger of a sudden breaking-through of the water. R.S.O. 1960, c. 241, s. 200.

201. A bulkhead or other suitable stop shall be placed in ^{Bulkhead in sump} every working shaft to prevent that part of the hoisting conveyance carrying men from being inadvertently lowered into water in the sump of the shaft. R.S.O. 1960, c. 241, s. 201.

202.—(1) For the purposes of this section, ^{Interpretation}

(a) "bulkhead" means any structure built for the purpose of impounding water or confining air under pressure in a drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening;

(b) "dam" means a structure built for the purpose of impounding water in a drift, crosscut or other mine opening and built in such a manner as to permit an unobstructed overflow of the water.

Location of bulkhead and dam (2) The location of every underground bulkhead and dam within the meaning of this section shall be clearly shown on the mine plans.

Permission necessary for dam (3) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

for bulkhead (4) No bulkhead shall be constructed underground without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

Completion of bulkhead (5) On the completion of the installation of a bulkhead, the manager shall immediately notify the chief engineer that it has been completed. R.S.O. 1960, c. 241, s. 202.

Ventilation

Ventilation 203.—(1) The ventilation in every mine shall be such that the air in all of its workings, which are in use or are to be used by workmen or others, shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in the mine.

Mechanical ventilation (2) In mine workings where such conditions cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until the workings have been abandoned or until satisfactory natural ventilation has been brought about therein.

Idem (3) All structures containing fans used in connection with the underground ventilation of a mine shall be of such construction as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 203.

Unused workings to be tested for gas 204. Underground workings that have been in disuse for some time and that are not in the main ventilation circuit shall be examined before being again used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such workmen as are necessary to make the examination shall be allowed to proceed to such places until the places are safe to work or travel in. R.S.O. 1960, c. 241, s. 204.

Internal combustion engine underground 205.—(1) No internal combustion engine shall be installed or operated in a shaft or adit, or in any working in connection with a shaft or adit, unless permission in writing from the chief engineer is first obtained.

(2) No internal combustion engine shall be installed or ^{Idem} operated in any clay, sand or gravel pit or in any quarry or other open pit working designated by an engineer as unsafe for this purpose. R.S.O. 1960, c. 241, s. 205.

Sanitation

206. The manager of a mine shall provide or cause to be ^{Sanitary conveniences} provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following requirements:

1. Where men are employed underground, one sanitary convenience shall be provided for every twenty-five persons or portion thereof on any shift.
2. Where men are employed on surface, one sanitary convenience and one urinal shall be provided for every twenty-five persons or portion thereof on any shift.
3. Where women are employed, separate toilets with entirely separate entrances from those furnished the men shall be provided.
4. One toilet shall be provided for every fifteen women or portion thereof on any shift.
5. Such rooms shall be clearly marked as to the sex for which they are provided. R.S.O. 1960, c. 241, s. 206.

207.—(1) Sanitary conveniences underground shall be, ^{Idem}

- (a) conveniently placed, having regard to the number of men employed on the different levels;
- (b) placed in a well-ventilated part of the mine;
- (c) kept clean and sanitary; and
- (d) suitably disposed of regularly.

(2) Sanitary conveniences, urinals and toilets on surface ^{Idem} shall be kept clean and sanitary. R.S.O. 1960, c. 241, s. 207.

208. Any person depositing faeces in any place under- ^{Idem} ground, other than in the sanitary conveniences provided, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 208.

209. A supply of wholesome drinking water shall be pro- ^{Drinking water} vided both on surface and underground at points reasonably accessible to the working places. R.S.O. 1960, c. 241, s. 209.

Dressing
room

210.—(1) If men are employed underground or in hot or dusty occupations on surface at a mine or works, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing, shall be provided above-ground near the principal entrance of the mine or works for enabling the persons employed to conveniently dry and change their clothes.

Location
of
dressing
room

(2) Such accommodation, unless of fire-resisting construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse except where a separate, properly-constructed room is provided. R.S.O. 1960, c. 241, s. 210.

Care and Use of Explosives and Blasting Agents

Precaution
to be
taken

211. Every possible precaution shall be taken in the handling and transportation of explosives and blasting agents. R.S.O. 1960, c. 241, s. 211, *amended*.

Marking of
explosives

212. No explosive shall be used at a mine unless there are plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, the strength of the explosive and the date of its manufacture. R.S.O. 1960, c. 241, s. 212.

Fume classi-
fication of
explosives

213.—(1) Only explosives in Fume Class I as established by the Explosives Division of the Department of Mines and Technical Surveys of Canada or explosives and blasting agents as permitted by the chief engineer shall be used underground.

Preparation
of blasting
agent

(2) The preparation of a blasting agent on a mining property, except when prepared by a properly-authorized manufacturer of explosives or blasting agents, shall be done only with the permission of the chief engineer in writing. R.S.O. 1960, c. 241, s. 213, *amended*.

Defective
explosives
to be
reported

214. Every case of supposedly defective fuse, detonator or blasting cap, or explosive, shall be reported to an engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, detonator or blasting cap, or explosive, along with all other pertinent information available. R.S.O. 1960, c. 241, s. 214.

Storage of
explosives
and
blasting
agents

215.—(1) Except as otherwise provided, all explosives and blasting agents and all detonators or blasting caps shall be stored on surface in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. R.S.O. 1960, c. 241, s. 215 (1), *amended*.

- (2) Every such building shall be under the direction of the manager or a person authorized by him. Storage under authorized person
- (3) No such building shall be erected or maintained at a mine except with the written permission of an engineer, nor until the site of the building and the style of structure have been approved by him. R.S.O. 1960, c. 241, s. 215 (2, 3). Permission, necessary before construction
- (4) Such written permission shall state the maximum quantity and kind of explosive or blasting agent that may be stored in the building. R.S.O. 1960, c. 241, s. 215 (4), *amended*. to state quantity
- (5) The permission shall be posted in the building. posting
- (6) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. British Table of Distances
- (7) Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and an engineer shall jointly choose the most suitable location. R.S.O. 1960, c. 241, s. 215 (5-7). Idem
- (8) Storages for blasting agents may contain three times the quantity of blasting agent as compared to explosives as set by the British Table of Distances. Storages for blasting agents
- (9) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply. *New*. Idem
- (10) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause. R.S.O. 1960, c. 241, s. 215 (8). Materials used in building
- (11) The requirements in reference to the care and use of explosives and blasting agents shall be kept posted up inside every such building. Requirements to be posted
- (12) Every such building shall be kept securely locked at all times that the attendant is not present and it shall be clearly indicated by one or more easily-visible signs that explosives or blasting agents are stored therein. R.S.O. 1960, c. 241, s. 215 (9, 10), *amended*. Buildings locked, and signs
- (13) Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance. R.S.O. 1960, c. 241, s. 215 (11). Posting of signs

Storages
to be
clean, etc.

216. All explosive, blasting agent, detonator or fuse storages at or in a mine shall be kept clean, dry and free from grit at all times. R.S.O. 1960, c. 241, s. 216, *amended*.

Floors
and
shelves

217. Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent, whenever necessary, to remove any traces of explosive substances. R.S.O. 1960, c. 241, s. 217.

What
explosives
or blasting
agents to be
used first

218.—(1) When supplies of explosives or blasting agents are removed from a magazine, those that have been longest in the magazine shall be used first, provided they are not defective.

Defective
explosives
and blasting
agents

(2) In all cases where explosives or blasting agents have become defective, they shall be suitably and safely disposed of. R.S.O. 1960, c. 241, s. 218, *amended*.

Disposal
of defective
explosives
and blasting
agents

(3) An engineer may, if he deems it necessary to protect life or property, arrange for the disposal of defective or abandoned explosives or blasting agents, and the amount of costs so incurred shall be due to the Crown from the owner and recoverable in any court of competent jurisdiction. *New*.

Opening
cases

219. Only implements of wood or fibre shall be used in opening cases that contain explosives. R.S.O. 1960, c. 241, s. 219.

Storage of
explosives
and blasting
agents
underground

220.—(1) Explosives or blasting agents, including caps, fuse and igniter cord, shall not be stored underground in excess of the necessary underground supply for forty-eight hours.

Storage
capacity

(2) In no case shall an amount exceeding 300 pounds of explosive or 900 pounds of blasting agent be stored in any one place underground without the written permission of an engineer.

Written
permission
for increased
capacity

(3) With the written permission of an engineer and subject to such conditions as he prescribes, other underground explosive storages may be established, but in no case shall more than 1,000 pounds of explosives or 3,000 pounds of blasting agents be stored in any one storage place.

Idem

(4) Where explosives and blasting agents are stored together, the lesser limit of storage shall apply.

Suitable
storage

(5) Explosives or blasting agents stored underground shall be kept in suitable containers or storage places in suitable locations.

(6) In no case shall explosives or blasting agents be stored in places where there is a possibility of a train or car colliding with the containers of the explosives or blasting agents. Protection from trains, etc.

(7) Where explosives or blasting agents in excess of what Idem may be stored in approved underground storages are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept underground at any time for such blast.

(8) Any explosives or blasting agents not loaded at the Idem end of a shift shall be stored in accordance with this section or be adequately guarded. R.S.O. 1960, c. 241, s. 220, *amended*.

221. No explosive or blasting agent shall be stored within 200 feet of a shaft station or transformer station underground. Location of storage
R.S.O. 1960, c. 241, s. 221, *amended*.

222.—(1) Detonators or blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives or blasting agents. Storage of detonators

(2) Detonators or blasting caps or capped fuses or igniter cord, while stored in underground workings, shall be kept in separate, suitable, closed containers or storage places. Separate containers

(3) Such containers or storage places shall not be located within twenty-five feet of any other explosives or blasting agents. Idem
R.S.O. 1960, c. 241, s. 222, *amended*.

223.—(1) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives or blasting agents are stored. Open-flame lamps

(2) No flame-type light shall be taken within ten feet of any place underground where explosives or blasting agents are stored unless a suitable, safe arrangement for the placing of such light is provided. Idem

(3) No person shall smoke in any place or building where explosives or blasting agents are stored or while handling explosives or blasting agents. Smoking
R.S.O. 1960, c. 241, s. 223, *amended*.

224.—(1) A properly authorized person or persons shall make a thorough weekly inspection of all explosives or blasting agents, explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or blasting Inspection of storage places

agents or detonators or blasting caps and shall make a report in writing to the manager stating that such inspection has been made and certifying as to the conditions found.

Unsuitable
conditions
rectified

(2) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives or blasting agents.

Careless
acts

(3) The manager shall make a prompt investigation when an act of careless placing or handling of explosives or blasting agents is discovered by or reported to him.

Report of
carelessness
to engineer

(4) Any employee who commits a careless act with an explosive or blasting agent or where explosives or blasting agents are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, is guilty of an offence against this Act, and the officer in charge of the mine shall immediately report such offence to the engineer or to the Crown attorney of the county or district in which the mine is situate. R.S.O. 1960, c. 241, s. 224, *amended*.

Disposal of
explosives
or blasting
agents at
shut-down
mine

225. When a mine is closed down, all explosives or blasting agents, fuse, detonators and blasting caps shall be disposed of and no explosive or blasting agent shall be stored at any such closed-down mine without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 225, *amended*.

Written
permission

226. No person shall take away from a mine any explosive or blasting agent, fuse or detonator or blasting cap without the written permission of the manager or of such person as is authorized by the manager to give such permission. R.S.O. 1960, c. 241, s. 226, *amended*.

Thaw
houses

227.—(1) No building for thawing explosives shall be maintained in connection with a mine except with the written permission of an engineer.

Approval
of building

(2) The building shall be above ground, and the site of the building and the style of the structure and equipment shall be subject to the approval of an engineer.

Quantity
stored

(3) The quantity of explosive kept in a thaw house at any time shall not exceed the requirements of the mine for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but an engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

(4) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, an engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. Thermometer in thaw house

(5) All such records shall be made available to an engineer. Idem
R.S.O. 1960, c. 241, s. 227.

228. In no case shall explosives be thawed near an open fire or steam boiler or by direct contact with steam or hot water. Prohibition
R.S.O. 1960, c. 241, s. 228, *amended*.

229.—(1) This section applies only on mining properties and only on surface. Transportation of explosives and blasting agents on surface

(2) Every motor vehicle used for carrying explosives or blasting agents shall be maintained in sound mechanical condition in all respects. Idem

(3) Every such motor vehicle shall be conspicuously marked by suitable signs or red flags easily visible from front and rear. Idem

(4) The metal parts of every such vehicle that may come in contact with containers of explosives or blasting agents shall be suitably covered with wood, tarpaulin or other suitable material. Idem

(5) No other goods or materials shall be carried in or on any vehicle in which explosives or blasting agents are being carried. Idem

(6) Every motor vehicle transporting more than 150 pounds of explosives or blasting agents shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire. Idem

(7) No motor vehicle shall be loaded with more than 80 per cent of its carrying capacity when carrying explosives or more than 100 per cent of its carrying capacity when carrying blasting agents. Idem

(8) Explosives or blasting agents carried on vehicles shall be so secured or fastened as to prevent any part of the load from becoming dislodged. Idem

Idem

(9) Detonators shall not be carried in the same vehicle as other explosives or blasting agents except in a suitable container in a separated compartment, and in such case the number shall not exceed 1,000 detonators.

Idem

(10) A vehicle carrying explosives or blasting agents shall not be left unattended.

Idem

(11) Only those persons necessary for the handling of explosives or blasting agents shall travel on a vehicle that is carrying explosives or blasting agents.

Idem

(12) There shall be no smoking by persons on a vehicle that is transporting explosives or blasting agents. R.S.O. 1960, c. 241, s. 229, *amended*.

Transportation of explosives or blasting agents in shaft

230.—(1) When the day's supply of explosives or blasting agents is being transported in a shaft conveyance, the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

Authorization to handle

(2) No person shall,

(a) place in;

(b) have while in; or

(c) take out of,

the shaft conveyance any explosives or blasting agents except under the immediate supervision of a person authorized for the purpose by the manager, superintendent, foreman or shift boss.

No other material in conveyance

(3) No other material shall be transported with explosives or blasting agents in a shaft conveyance. R.S.O. 1960, c. 241, s. 230, *amended*.

Transfer of explosives or blasting agents from storage places

231.—(1) The transfer of explosives or blasting agents from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives or blasting agents leave the surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

Transfer without undue delay

(2) Explosives or blasting agents shall not be left at a level station or near the shaft collar or other entrance to the mine but shall be transferred from a designated storage place to other designated storage places or points of use without undue delay. R.S.O. 1960, c. 241, s. 231, *amended*.

232.—(1) Primers shall be made up as near to their point of use as is practicable in the interests of safety and only in sufficient numbers for the immediate work in hand. ^{Transportation of detonators}

(2) Detonators or blasting caps, capped fuses, made-up primers, igniter cord or other explosives or blasting agents shall not be transported in a conveyance either on surface or underground unless placed in separate, suitable, closed containers. ^{Suitable containers}

(3) A workman may carry capped fuses with other explosives or blasting agents from the nearest storage places to a point of use without placing them in a container, if they are kept separate from the other explosives or blasting agents. ^{Kept separate from other explosives or blasting agents}

(4) In no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers. ^{Made-up primers}
R.S.O. 1960, c. 241, s. 232, *amended*.

233.—(1) Where explosives or blasting agents are transported in mine workings by means of mechanical haulage, including trackless equipment, the speed of the vehicle shall not exceed 4 miles an hour and definite arrangements for the right of way of the vehicle carrying explosives or blasting agents shall be made before the vehicle is moved. ^{Transportation underground}

(2) Where mechanical track haulage is used, the locomotive shall be maintained on the forward end of the train carrying explosives or blasting agents unless some person walks in advance of the train to effectively guard it. ^{Idem}

(3) In track haulage, the car or cars carrying explosives or blasting agents shall be separated from the locomotive by an empty car or spacer of equivalent length, but in no case shall explosives or blasting agents be carried on the locomotive. ^{Idem}

(4) Where a trolley locomotive is used for the haulage of explosives or blasting agents in a mine, the car or cars carrying explosives or blasting agents shall be protected from trolley-wire contact and other existing hazards. ^{Trolley-locomotive haulage}

(5) Where trackless equipment is used for the transportation of explosives or blasting agents underground, the requirements of section 229 apply. R.S.O. 1960, c. 241, s. 233, *amended*. ^{Trackless equipment used}

234. Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to an engineer, who shall decide upon the time at which blasting operations thereon may be performed, ^{Blasting on contiguous claims}

and

and his decision is final and conclusive and shall be observed by them in future blasting operations. R.S.O. 1960, c. 241, s. 234.

Explosives
not to be
removed
from original
container

235. No explosive shall be removed from its original paper container or cartridge. R.S.O. 1960, c. 241, s. 235.

Blasting of
roast heaps

236. No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge. R.S.O. 1960, c. 241, s. 236.

Size of
drill holes

237. All drill holes shall be of sufficient size to admit of the free insertion to the bottom of the hole of a cartridge of explosive. R.S.O. 1960, c. 241, s. 237, *amended*.

No iron or
steel tool

238. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives. R.S.O. 1960, c. 241, s. 238.

Procedure
before
drilling

239.—(1) Before drilling is commenced in a working place, the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Bootleg
holes

(2) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. R.S.O. 1960, c. 241, s. 239 (1, 2).

Hole
containing
explosives,
etc.

(3) No drilling shall be done within five feet of any hole containing explosives or blasting agents. R.S.O. 1960, c. 241, s. 239 (3), *amended*.

Precautions
when
loading

(4) Drilling or undercutting and charging operations underground shall not be carried on simultaneously on the same face above or below each other or within twenty-five feet horizontal distance. *New*.

Due warning
required

240.—(1) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding.

In pits
and
quarries

(2) In open pits or quarries where the extent of the operation or the exposure of persons renders the warning required under subsection 1 ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner, in addition to guarding as required by section 241. R.S.O. 1960, c. 241, s. 240.

241.—(1) Every workman shall, before blasting, cause all entrances or approaches to the place or places where the blasting is to be done, or where the safety of persons may be endangered by the blasting, to be effectively guarded so as to prevent inadvertent access to such place or places while the charges are being blasted.

Guarding
entrances
where
blasting
is done

(2) Subject to permission having been obtained, when required, from the appropriate authority, where it is necessary to stop traffic on a public road during a blasting operation, an adequate number of flagmen equipped with suitable red flags shall be posted and signs, such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN", shall be posted along the road at suitable locations to warn traffic approaching the flagman guarding the area.

Guarding
roads

(3) Posting of signs shall not be deemed to be adequate protection to warn of blasting operations. R.S.O. 1960, c. 241, s. 241.

Signs not
adequate

242. Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through. R.S.O. 1960, c. 241, s. 242.

Breaking
through
to mine
workings

243. Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation, nor shall any fuse be lighted at a point closer than three feet from the capped end. R.S.O. 1960, c. 241, s. 243.

Length of
fuse

244.—(1) Where safety fuse has been used in connection with a blast and where two or more shots are fired, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return to the scene of the blast within the number of minutes that are equal to twice the number of feet in the longest fuse used in the blasting operation.

Interval
before return
to scene of
blast

(2) Such time shall be calculated from the time when the last shot is heard.

Idem

(3) Where the firing has been done by means of electric delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed.

Firing done
electrically

- Idem** (4) Except when no shot is heard and a faulty circuit is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited.
- Misfire or missed hole** (5) In the case of a supposed misfire or missed hole in a blasting operation, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of the blast within thirty minutes of the time he has reached his place of refuge after the lighting of the fuse or fuses or the closing of the blasting circuit. R.S.O. 1960, c. 241, s. 244.
- Detonator required** 245. No hole shall be charged with explosives or blasting agents unless a properly-prepared detonating agent is placed in the charge and it shall be fired in its proper sequence in the firing of the round. R.S.O. 1960, c. 241, s. 245, *amended*.
- Firing required** 246.—(1) All holes that are charged with explosives or blasting agents in one loading operation shall be fired in one blasting operation.
- Idem** (2) Any hole that has been charged with explosives or blasting agents, or any explosive charge that has been set, shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine. R.S.O. 1960, c. 241, s. 246, *amended*.
- Safety fuse** 247. Where safety fuse is used in a blasting operation,
- (a) suitably capped fuses shall be supplied to the workmen in standard, uniform and safe lengths for the operation at hand;
 - (b) the uncapped ends of all fuses for use in a mine shall be suitably identified. R.S.O. 1960, c. 241, s. 247.
- Lighting fuses** 248.—(1) In every case where more than one charge is to be fired, each fuse connected to a charge of explosives or blasting agents shall be lighted with a suitably-timed spitting device. R.S.O. 1960, c. 241, s. 248 (1), *amended*.
- Number of men, lights** (2) Where more than one charge is to be fired, no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen.
- Idem** (3) Each workman shall carry a light unless the blasting operation is conducted on surface in daylight or under artificial light. R.S.O. 1960, c. 241, s. 248 (2, 3).

249. Before returning to the scene of a blasting operation, every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation. Ventilation of working places after blasting
R.S.O. 1960, c. 241, s. 249.

250.—(1) Where blasting is done in a raise or stope, proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast. Protection of entrance to working place

(2) In the case of a single-compartment raise or box-hole where material from the blast may block the means of entrance, proper precautions shall be taken to ensure the adequate ventilation of the working place before workmen enter it. Idem
R.S.O. 1960, c. 241, s. 250.

251.—(1) When a workman fires any charges, he shall, where possible, count the number of shots. Reporting of missed holes

(2) If a shot is missing, he shall report it to the mine captain or shift boss. Idem

(3) If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them. Idem
R.S.O. 1960, c. 241, s. 251 (1-3).

(4) Any charge of explosives that has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay. Missed hole to be blasted
R.S.O. 1960, c. 241, s. 251 (4), *amended*.

(5) Any charge of blasting agent that has missed fire may be washed out of the hole. Idem *New*.

(6) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round has been cleared from the face and the whole face of the heading examined for explosives or blasting agents in missed or cut-off holes. Examination of missed or cut-off hole
R.S.O. 1960, c. 241, s. 251 (5), *amended*.

252.—(1) After the first ten feet of advance has been made in a shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting Where electric blasting required

is being done, all blasting in the shaft, winze, station or other workings being driven therefrom shall be done by means of an electric current.

In raises
over 50°

(2) In any raise, inclined at over 50 degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not ensured at all times, all blasting shall be done by means of an electric current. R.S.O. 1960, c. 241, s. 252.

Electric
current to be
disconnected
after
blasting

253. Where blasting is done by electricity, a workman shall not enter or allow other persons to enter the place where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. R.S.O. 1960, c. 241, s. 253.

Approved
firing device

254. Unless permission in writing is first obtained from the chief engineer, with approval of the proposed arrangements necessary for special cases,

- (a) where electricity from lighting or power cables is used for firing charges, a fixed device of a design certified by the electrical engineer as meeting the requirements of section 546 shall be used;
- (b) one such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables. R.S.O. 1960, c. 241, s. 254.

Blasting by
direct-
current or
blasting
machine

255. Where the source of current is a portable direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made and the machine operated for firing the charges. R.S.O. 1960, c. 241, s. 255.

Lead wires
short-
circuited

256.—(1) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables.

Idem

(2) The short-circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short-circuit.

(3) The short-circuit shall be replaced immediately after ^{Idem} the cables have been disconnected from the blasting machine or the blasting switch has been opened. R.S.O. 1960, c. 241, s. 256.

257.—(1) The firing cables or wires used for firing charges ^{Firing cables} at one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have no connection with the leads from the first working place.

(2) When firing cables or wires are used in the vicinity of ^{Precautions in using firing cables} power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires from coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 257.

*Protection in Working Places, Shafts,
Winzes, Raises, etc.*

258. Neither on surface nor underground shall workmen ^{Protection from overhead operations} be employed in a location where men are working overhead unless such measures for protection are taken as the nature of the work permits. R.S.O. 1960, c. 241, s. 258.

259. A protective hat, manufactured for such service, ^{Protective hat} shall be worn by every person employed,

(a) underground in a mine;

(b) in a location in a pit or quarry designated by an engineer. R.S.O. 1960, c. 241, s. 259.

260. The top of every shaft shall be securely fenced or ^{Fencing of shafts and other openings} protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. R.S.O. 1960, c. 241, s. 260.

261.—(1) At all shaft and winze openings on the surface ^{Gate at shaft entrances} and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate, which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level.

(2) The clearance beneath any such gate shall be kept to a ^{Idem} minimum.

(3) Where haulage tracks lead up to a hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it is sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks. R.S.O. 1960, c. 241, s. 261. ^{Reinforcing of gate}

Shaft and
winze
timbering

262.—(1) Every shaft and winze shall be securely cased, lined or timbered, and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom.

Idem

(2) In no instance shall such distance exceed fifty feet.

Strength of
guides, etc.

(3) The guides, guide attachments and shaft casing, lining or timbering shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in section 339 may grip the guides properly at any point in the shaft. R.S.O. 1960, c. 241, s. 262.

Protection
at shaft
stations

263. There shall be provided a safe passageway and standing room for workmen outside the shaft at all workings opening into the shaft, and the manway shall in all cases be directly connected with such openings. R.S.O. 1960, c. 241, s. 263.

Protection
in sinking
operations

264. During shaft-sinking operations, no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position are protected from the danger of falling material by a securely-constructed covering extending over a sufficient portion of the shaft to afford complete protection. R.S.O. 1960, c. 241, s. 264.

Open hooks
not to
be used

265. Open hooks shall not be used in conjunction with the suspension of any shaft staging. R.S.O. 1960, c. 241, s. 265.

Lining
compart-
ments at
levels

266.—(1) Except during sinking operations, if material is handled in a shaft or winze compartment, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels.

Idem

(2) Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances. R.S.O. 1960, c. 241, s. 266.

Counter-
weight
compart-
ment

267. Wherever a counterweight is used in a shaft or winze, it shall be safely enclosed, unless it travels on guides. R.S.O. 1960, c. 241, s. 267.

Protection
on shaft
inspection

268.—(1) No person shall do any work or conduct any examination in a compartment of a shaft or winze or in that part of the headframe used in conjunction therewith while

hoisting

hoisting operations, other than those necessary for doing such work or conducting such examination, are in progress in such compartment.

(2) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he is adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling objects accidentally dislodged. R.S.O. 1960, c. 241, s. 268.

269. Where the enclosing rocks are not safe, every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. R.S.O. 1960, c. 241, s. 269. ^{Timbering mine workings}

270. Where a bucket is used in a shaft or winze for other than sinking purposes, ^{Use of shaft buckets}

(a) a set of doors as required by subsection 3 of section 311 shall be required at the collar and every point of service of the shaft or winze;

(b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;

(c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of an engineer. R.S.O. 1960, c. 241, s. 270.

271.—(1) Except where approved raising equipment is used, all raises inclined at over 50 degrees that are to be driven more than sixty feet slope distance shall be divided into at least two compartments, one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. R.S.O. 1960, c. 241, s. 271 (1), *amended*. ^{Steeply-inclined raises}

(2) The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. R.S.O. 1960, c. 241, s. 271 (2). ^{Idem}

272.—(1) Whenever, at any time, chutes are pulled where persons are working or may enter at the time of pulling, the pulling area shall be marked by signs or the persons working ^{Precautions as to broken material}

in the vicinity shall be notified and, as pulling proceeds, proper precautions shall be taken to ascertain that the broken material is settling freely.

Idem (2) When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades. R.S.O. 1960, c. 241, s. 272.

Access to stopes 273. Unless the entrance to a stope is capable of being used as such at all times, a second means of entrance shall be provided and maintained. R.S.O. 1960, c. 241, s. 273.

Guarding mill holes, manways, etc. 274. The top of every mill hole, manway or other opening shall be kept covered or otherwise adequately protected. R.S.O. 1960, c. 241, s. 274.

Guarding open workings 275. Wherever men are working below a level in a place the top of which is open to the level in close proximity to a haulageway or travelway, some person shall effectively guard the opening unless it is securely covered over or otherwise closed off from the haulageway or travelway. R.S.O. 1960, c. 241, s. 275.

Guarding tops of raises 276. The tops of all raises or other openings to a level shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto. R.S.O. 1960, c. 241, s. 276.

Care of utility hoists 277. Utility hoists and attached equipment used for the raising and lowering of material shall be maintained in a safe working condition. R.S.O. 1960, c. 241, s. 277.

Scaling bars and gads 278. The owner or manager shall provide and maintain an adequate supply of properly-dressed scaling bars and gads and other equipment necessary for scaling. R.S.O. 1960, c. 241, s. 278.

Life lines to be used 279. The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to wear such life lines at all times, when by so doing the interests of safety will be advanced. R.S.O. 1960, c. 241, s. 279.

Keeping water supply to lay dust 280.—(1) Every place in a mine, where drilling, blasting or other operations produce dust in dangerous quantities, shall be adequately supplied at all times with clean water under pressure or other approved appliance for laying, removing or controlling dust.

Approved water blast (2) A development heading, such as a drift, cross-cut, raise or sub-drift, shall be furnished with an approved water blast

which

which shall discharge within an effective distance of the face being advanced and shall be applied so as to wet the area for at least fifteen minutes after blasting, and, if such area is not thoroughly wetted prior to the entry of any person, it shall be wetted down as soon as possible.

(3) Every multiple compartment raise, or sub-drift from ^{Auxiliary air supply} such raise being driven over twenty-five feet in length from through-ventilation, or stopes with one entry, shall be provided with a separate air pipe independent of the air supply to any machine or drills used therein, and such air supply shall be controlled outside or at the beginning of the heading and the air shall be turned on by the blaster after he has detonated any blast in the heading. R.S.O. 1960, c. 241, s. 280, *amended*.

281. The times for blasting shall be so fixed that the work- ^{Time for blasting} men shall be exposed as little as practicable to dust and smoke. R.S.O. 1960, c. 241, s. 281.

282.—(1) Where there is non-continuous shift operation ^{Written record} in mine areas, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations.

(2) Such warning shall consist of a written record over the ^{Idem} signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record. R.S.O. 1960, c. 241, s. 282.

283. At every mine where persons are employed under- ^{Check-in, check-out systems} ground, a suitable system shall be established and maintained to check in persons who have gone underground and check out persons who have returned to surface, and it is the duty of such persons to check in and check out in accordance with such system. R.S.O. 1960, c. 241, s. 283.

284. Where repair work is in progress in a manway or ^{Signs designating repair work} conditions arise that may endanger travel through the manway, it shall be closed off or adequate signs designating its unfitness for travel purposes shall be posted at all entrances to it. R.S.O. 1960, c. 241, s. 284.

285.—(1) Diamond-drill holes shall be plotted on all ^{Diamond-drill holes} working plans of levels.

(2) When an active mine heading is advancing toward a ^{Guarded while blasting near} diamond-drill hole, the collar or the nearest points of intersection of the hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of the hole.

(3)

Marked

(3) The collar and any points of intersection of every diamond-drill hole shall be plainly marked at the time that drilling is discontinued or an intersection made.

Idem
with letter
"H"

(4) Such markings shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches, which shall be placed within four feet of the collar or intersection. R.S.O. 1960, c. 241, s. 285.

Tailings
used
for fill

286. Where tailings are used for filling worked-out areas underground, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005% expressed as cyanide of potassium. R.S.O. 1960, c. 241, s. 286.

*Examination of Mine Workings
and Shaft Inspection*

Examination
of mine
workings

287. The owner or manager of a mine or some authorized person or persons shall examine daily all parts where drilling and blasting are being carried on, shall examine at least once a week the other parts in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, cross-cuts and raises, in order to ascertain that they are in a safe working condition and shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. R.S.O. 1960, c. 241, s. 287.

Shaft
inspection

288.—(1) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to make an inspection of the shaft at least once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft, and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

Shaft
Inspection
Record
Book

(2) Such owner or manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination, as is referred to in this section, signed by the persons making the examination.

Entries
to be
initialled

(3) Such entries of examinations shall be read and initialled every week by the person in charge of the maintenance of the shaft.

(4) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the person in charge of the maintenance of the shaft. Dangerous conditions noted

(5) The Shaft Inspection Record Book shall be made available to an engineer at all times. R.S.O. 1960, c. 241, s. 288. Available to engineer

Ladderways and Ladders

289.—(1) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes

(2) In shafts and winzes, no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position. Not in vertical position

(3) During sinking operations, if a ladder is not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working. Sinking operations

(4) Wherever, about shafts and winzes, and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work to be carried out in a safe manner. R.S.O. 1960, c. 241, s. 289. Headframes

290. The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 266, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. R.S.O. 1960, c. 241, s. 290. Partition between manway and hoisting compartments

291.—(1) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform. Ladderway in shaft, over 70°

(2) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except

for an opening large enough to permit the passage of a man's body. R.S.O. 1960, c. 241, s. 291.

When
stairway
permissible

292.—(1) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal.

Hand-rail

(2) All stairways in shafts and winzes shall be equipped with a suitably-placed hand-rail. R.S.O. 1960, c. 241, s. 292.

Ladderways,
other mine
workings

293.—(1) All ladderways in raises, stopes and other manways shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom. R.S.O. 1960, c. 241, s. 293 (1).

Landing
platforms

(2) In manways inclined at 70 degrees and over, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders shall be off-set at the platforms.

Idem

(3) In manways inclined at under 70 degrees and over 50 degrees, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders may be continuous.

Idem

(4) In manways inclined at 50 degrees and under, the ladders may be continuous and no platforms are required except at points of off-set. R.S.O. 1960, c. 241, s. 293 (2), *amended*.

Wire rope
ladders

294. Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes if they are frayed or have projecting broken wires. R.S.O. 1960, c. 241, s. 294.

Hand-rails
for ladders

295. Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided. R.S.O. 1960, c. 241, s. 295.

Ladders

296.—(1) Every ladder shall be of strong construction, shall be securely placed and shall be maintained in good repair.

Distance,
between
rungs

(2) The distance between centres of rungs of ladders shall not be greater than twelve inches nor less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any ladderway.

from wall

(3) In order to give a proper foothold, the rungs shall in no case be closer than four inches from the wall of a shaft, winze or raise or any timber underneath the ladder. R.S.O. 1960, c. 241, s. 296.

Haulage

297.—(1) Every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a suitable audible signal that shall be maintained in proper working condition. ^{Warning equipment}

(2) Except when used in adequately lighted buildings or areas, every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail-light or tail-lights that shall be maintained in proper working condition. ^{Headlight and tail-light}

(3) Every self-propelled unit of trackless haulage equipment used below ground shall be equipped with suitable lights or reflectors that show in the direction of travel the width of the vehicle. ^{Lights to show width of vehicle} R.S.O. 1960, c. 241, s. 297.

298. Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when the power is on. ^{Control levers} R.S.O. 1960, c. 241, s. 298.

299.—(1) The audible signal on a locomotive, engine, trolley or motor vehicle when used underground or in an enclosed building shall be sounded when the vehicle starts to move and at such other times as warning of danger is required. ^{Warning equipment to be used}

(2) In mechanical haulage underground, a suitable tail-light shall be used in conjunction with made-up trains. ^{Tail-lights on trains}

(3) The locomotive operating platform shall be provided with a suitable seat and an adequate guard for the protection of the motorman. ^{Guard to protect motorman} R.S.O. 1960, c. 241, s. 299.

300.—(1) In mechanical haulage in any level, drift or tunnel in or about a mine, no unauthorized person shall ride on any vehicle. ^{Riding on vehicles prohibited}

(2) Special trips for persons only shall be made on approved vehicles. ^{Idem} R.S.O. 1960, c. 241, s. 300.

301.—(1) On every level on which mechanical track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. ^{Clearance and safety stations}

(2) Such safety stations shall be plainly marked. ^{Idem, marking}

Clearance
for
trackless
haulage

(3) On every level on which mechanical trackless haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the mechanical equipment.

Idem,
plus
pedestrian
travel

(4) On every level regularly used both for pedestrian traffic and trackless haulage where there is a total minimum clearance of less than seven feet, safety stations shall be cut at intervals not exceeding 100 feet and they shall be plainly marked.

Travelways
clear of
obstructions

(5) All regular travelways shall be maintained clear of debris or obstructions that are likely to interfere with safe travel. R.S.O. 1960, c. 241, s. 301.

Unattended
locomotive
or trackless
equipment

302. No haulage locomotive or trackless haulage equipment shall be left unattended unless the controls have been placed in the neutral position and the brakes have been set. R.S.O. 1960, c. 241, s. 302.

Shaft Hoisting Practice

Hoisting by
automatic
control

303.—(1) The hoisting of men or material in mine shafts by automatic control is subject to the approval of the chief engineer.

Idem

(2) Where a hoist is being operated by automatic control and no other means of hoisting men is provided, there shall be available a man qualified to operate the hoist manually when men are underground. R.S.O. 1960, c. 241, s. 303, *amended*.

Raising and
lowering
material

304.—(1) Where steel, timber or other material is being raised or lowered in a shaft conveyance, it shall be loaded in such a manner as to prevent it from shifting its position, and, if necessary, it shall be secured to the conveyance.

Long
material
properly
secured

(2) When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. R.S.O. 1960, c. 241, s. 304.

Compartment to be
lined where
crosshead
not used

305. Where a crosshead is not used in a vertical shaft or winze, the compartment in which the bucket works shall be closely lined with sized lumber. R.S.O. 1960, c. 241, s. 305.

Level of
load in
bucket
or skip

306. In the course of sinking a shaft or winze, the bucket or skip shall be filled only in such a manner that no piece of loose rock projects above the level of the brim. R.S.O. 1960, c. 241, s. 306.

307. In shaft-sinking operations, where the hoisting speed exceeds 1,000 feet per minute, men shall ride in the bucket above the bottom crosshead stop. R.S.O. 1960, c. 241, s. 307. Hoisting men in buckets

308.—(1) During sinking operations in a shaft or winze, the bucket or skip used for returning men to the working place following a blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination, and in no case shall the point be less than fifty feet above the blasting set or bulkhead. Lowering men after blast

(2) The bucket or skip shall be lowered from such point only on signal from the men accompanying it and at such speed as to be fully under control, by signal, of such men. Idem

(3) Only sufficient men shall be carried on such a trip as are required to properly conduct a careful examination of the shaft or winze. R.S.O. 1960, c. 241, s. 308. Idem

309. In the course of sinking a shaft or winze, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower it has been given by a properly authorized person. R.S.O. 1960, c. 241, s. 309. Bucket or skip not to be lowered directly to face

310. No bucket shall be allowed to leave the top or bottom of a shaft or winze until the workman in charge of it has steadied it or caused it to be steadied. R.S.O. 1960, c. 241, s. 310. Bucket to be steadied

311.—(1) In the course of sinking a shaft or winze, adequate provision shall be made and maintained to ensure the impossibility of the bucket or skip being dumped while the dumping doors are open, and means shall be applied to prevent spillage from falling into the shaft or winze. Protection from dumping

(2) The design of a device for this purpose shall be submitted for the approval of the mechanical engineer before such device is installed. Design to be approved

(3) A door or doors to cover the sinking compartments shall be maintained at the collar or other point of service of every shaft or winze while sinking is in progress. Door to cover sinking compartment

(4) Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket or skip at the collar or other point of service of every shaft or winze, except when the bucket or skip is unloaded by dumping arrangements as provided for in subsections 1 and 2. Door closed when loading bucket

Door closed
when men
loaded

(5) The door or doors shall be closed when men are loaded or unloaded, except where a safety crosshead fills the compartment at the collar or other point of service. R.S.O. 1960, c. 241, s. 311.

Cage for
handling
men

312. Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip constructed as required by sections 338 and 339 shall be provided for lowering or raising men in the shaft or winze. R.S.O. 1960, c. 241, s. 312.

Cage doors
to be closed

313.—(1) No person shall travel or be permitted to travel in a cage at any time, except during shaft inspection, unless the doors of the cage are securely closed.

Idem

(2) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, but, in the case of an inadvertent stop at a point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the cage on instructions to do so by a properly authorized person. R.S.O. 1960, c. 241, s. 313.

Operation
of chairs

314.—(1) Where chairs are used for the purpose of landing a shaft conveyance at a point in a shaft or winze, except when hoisting in balance from that point, the chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

Idem

(2) Chairs shall not be used when men are handled. R.S.O. 1960, c. 241, s. 314.

Hoisting
men and
material
simul-
taneously

315.—(1) No person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is being simultaneously used for the hoisting of mineral or material, except as provided for in clause *c* of section 316. R.S.O. 1960, c. 241, s. 315 (1).

Men only
in approved
conveyances

(2) No person shall be hoisted or lowered, or permit himself to be hoisted or lowered, in a shaft or other underground opening except in an approved raise climber, or a scaling platform, or in an approved hoisting conveyance as provided for in section 316, but this prohibition does not apply where men are raised or lowered by hand by suitable means as in construction, maintenance or repair work. R.S.O. 1960, c. 241, s. 315 (2), *amended*.

When
persons not
to be
hoisted

316. No person shall be lowered or hoisted or allow himself to be lowered or hoisted in a shaft, winze or other underground opening,

- (a) in a bucket or skip, except that men employed in shaft sinking may ascend and descend to and from the sinking deck or other place of safety and the men employed in shaft inspection and maintenance may be hoisted and lowered in the shaft by means of such conveyance;
- (b) in a cage or skip that does not meet the requirements of sections 339 and 341, except as provided for in clause *a* of this section or section 340;
- (c) in a cage, skip or bucket that is loaded with powder, steel, timber or other material or equipment, except when the presence of such person is necessary for the purpose of handling such material;
- (d) in a cage, skip or bucket carrying powder, steel, equipment or material, unless the same is adequately secured, but nothing in this clause prohibits men from carrying personal hand tools or equipment approved by the district engineer in a conveyance if such tools or equipment are properly protected with guards and the conveyance is not overcrowded;
- (e) except during shaft-sinking operations or shaft inspection and maintenance operations, in any shaft conveyance, unless the shaft conveyance is in charge of a person properly authorized to act as cagetender or skiptender. R.S.O. 1960, c. 241, s. 316.

317. Except in the course of sinking a shaft, no person shall enter or be allowed to enter a shaft conveyance, or work upon or under a shaft conveyance, when the corresponding drum of the hoist is unclutched, unless the conveyance is first secured in position by chairing or blocking. R.S.O. 1960, c. 241, s. 317.

Use of
conveyance
if drum
unclutched

318.—(1) In this section,

Interpre-
tation

- (a) “authorized maximum load of men” means the total weight of men permitted by the district engineer to ride at any time in the shaft conveyance;
- (b) “maximum allowable weight” means the maximum weight permitted by this Act to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser.

Weight
specified by
manu-
facturer

(2) The weight that a hoist is capable of handling shall be that set out in the manufacturer's specifications or approved by an independent competent mine hoist design engineer.

Certificate
re maximum
loads

(3) In case a hoisting rope is used for the raising and lowering of both men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized maximum load of men, shall not exceed 85 per cent of the maximum allowable weight when the rope is in use for other purposes, and the owner or manager shall obtain from the district engineer resident in the district a certificate in writing setting out the maximum loads of both men and materials that may be carried in the shaft conveyance before men are so carried. R.S.O. 1960, c. 241, s. 318 (1-3).

Friction
hoists

(4) For friction hoists, the conveyance man-load shall be determined as follows: 0.85 (maximum material load plus the weight of the conveyance) minus the weight of the conveyance. *New.*

When
certificate
issued

(5) The district engineer may issue the certificate referred to in subsection 3 if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act. R.S.O. 1960, c. 241, s. 318 (4).

Certificate
re friction
hoists

(6) A certificate stating the maximum allowable suspended load and the maximum allowable unbalanced load rating shall be obtained from the manufacturer for friction hoists.

Determina-
tion of
maximum
material
load

(7) The maximum material-load allowed on the conveyance of a friction hoist shall be determined from the lesser of the following calculations:

1. Maximum allowable suspended load on the hoist, less the weight of the hoisting ropes, less the weight of tail ropes, less the weight of the conveyances and the attachments.
2. The breaking strength of the rope, divided by the required factor of safety, minus the maximum weight of rope suspended in one compartment, minus the weight of the conveyance and attachments in that compartment; and, where multiple ropes are used, the lowest breaking strength of any rope shall be used for all ropes in load calculations.
3. The unbalanced load on the hoist as rated by the manufacturer, which shall not be exceeded.

4. The maximum allowable load on any conveyance, which shall not be greater than that for which the conveyance was rated by the manufacturer. *New.*

Conveyance Notices and Discipline

319.—(1) A notice showing clearly the number of persons ^{Notice to be posted} allowed to ride on and the weight of materials allowed to be loaded on the conveyance, as referred to in subsection 3 of section 318, shall be posted and maintained at the collar of the shaft or winze.

(2) The person authorized to give signals is responsible for ^{Responsibility} observance of such notice. R.S.O. 1960, c. 241, s. 319.

320.—(1) When persons are being hoisted or lowered in a ^{Open lights, discipline} cage or skip, no person, other than the cagetender or skip-tender, shall have a burning open-flame lamp of any kind, except that, for shaft inspection or similar purposes, a sufficient number of lighted lamps shall be permitted.

(2) At all times that men are being hoisted or lowered in ^{Discipline maintained} a cage or skip, there shall be maintained a proper discipline of persons riding on that cage or skip.

(3) No person shall offer obstruction to the enforcement of ^{Observance of notice} the requirements of loading of conveyances under subsection 1 of section 319 or this section. R.S.O. 1960, c. 241, s. 320.

Signals

321. Every working shaft shall be provided with a suitable ^{Signal system} means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. R.S.O. 1960, c. 241, s. 321.

322. A separate, audible signal system shall be installed ^{Separate signal for each compartment} for the control of each hoisting conveyance operated from a single hoist, and there shall be a sufficient difference in the signals to the hoistman that they are easily distinguishable. R.S.O. 1960, c. 241, s. 322.

323. Where an electrical signal system is installed, the ^{Return signal} hoistman shall return the signal to the person giving the signal when men are about to be hoisted or lowered. R.S.O. 1960, c. 241, s. 323.

324. No device for signalling to or communicating with ^{Special devices, permission for} the hoistman shall be installed or operated in or on any shaft conveyance without the written permission of the chief engineer. R.S.O. 1960, c. 241, s. 324.

Cage call
system

325. No cage call system communicating with the hoist-room shall be installed or used at a shaft or winze. R.S.O. 1960, c. 241, s. 325.

Code of
signals

326.—(1) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze:

1 bell. . . . Stop immediately—if in motion (Executive Signal).

1 bell. . . . Hoist (Executive Signal).

2 bells. . . . Lower (Executive Signal).

3 bells. . . . Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

4 bells. . . . Blasting Signal. The hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal, only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells. . . . Release Signal. The hoistman may act at his own discretion to perform any movement, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in section 327. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells. . . . Danger Signal (Special Cautionary). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal.

(2) The following method and order shall be observed in giving signals: Method and order of signals

1. Strokes on the bell shall be made at regular intervals.

2. Signals shall be given in the following order: 1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals. R.S.O. 1960, c. 241, s. 326.

327.—(1) At every mine, other signals, termed destination signals, in conjunction with the code referred to in subsection 1 of section 326 shall be used to designate all regular stopping points. Special signals

(2) Special signals shall be used to designate all special hoisting movements. Signals for movements

(3) All such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall follow the Department's standard mine signal code, and any deviation therefrom shall be approved by the chief engineer. Standard mine signal code

(4) Such destination signals and other special signals approved for use at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of the shaft or winze. R.S.O. 1960, c. 241, s. 327. Destination signals

328.—(1) The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are carried. Hoistman shall not move conveyance

(2) In case he is unable to act within one minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal. R.S.O. 1960, c. 241, s. 328. If unable to move within one minute

329.—(1) After a hoistman has received a 3-bell signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. 3-bell signal

(2) After he has commenced the movement, he shall complete it without interruption, unless he receives a stop signal or in case of great emergency. R.S.O. 1960, c. 241, s. 329. Idem

330. The hoistman shall remain at the hoist controls at all times the hoist is in motion, except when the hoist is operating under automatic control. R.S.O. 1960, c. 241, s. 330. Hoistman to remain at controls

Notice re-
talking to
hoistman

331. Except in case of emergency, no one shall speak to the hoistman while the hoist is in motion, and a sign to this effect plainly visible to anyone approaching the hoist controls shall be kept posted at all times. R.S.O. 1960, c. 241, s. 331.

Signal
required

332. Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that, in the event of an inadvertent stop at some point in the shaft or winze, other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and, when hoisting or lowering men, he has received instructions from a properly authorized person. R.S.O. 1960, c. 241, s. 332.

Only
authorized
person to
give signal

333.—(1) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip.

Idem

(2) No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements. R.S.O. 1960, c. 241, s. 333.

Only author-
ized person
may operate
hoist

(3) No person, unless duly authorized, shall operate any equipment for controlling the movement of the hoist or interfere with such equipment in any way. R.S.O. 1960, c. 241, s. 334.

Voice
communica-
tion

334. Except during shaft-sinking operations, a system shall be installed in all active shafts to provide voice communication between the collar and regular landing places. *New*.

Position of
conveyance

335. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. R.S.O. 1960, c. 241, s. 335.

Sinking Equipment

When
crosshead
required

336.—(1) After a depth of 300 feet below the sheave has been attained in the sinking of a vertical shaft or winze, a suitable bucket and crosshead, as referred to in subsection 2 and in section 337, shall be used.

Suspension,
barrel-
shaped
bucket

(2) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended by the upper rim. R.S.O. 1960, c. 241, s. 336.

Safety
appliance on
crosshead

337.—(1) All sinking crossheads shall be provided with a safety appliance of a design approved by the mechanical engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket. R.S.O. 1960, c. 241, s. 337 (1).

(2) All crossheads shall be of a design approved by the Approval mechanical engineer. R.S.O. 1960, c. 241, s. 337 (2), *amended*.

Shaft Conveyances, Construction and Operation

338.—(1) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any part of the body of a person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Protection
of men
in shaft
conveyances

(2) Permission shall be obtained from the chief engineer before a skip is used for lowering or raising men in a shaft or winze, except during sinking, inspection or maintenance operations. R.S.O. 1960, c. 241, s. 338. Permission
necessary
to handle
men in skip

339. All cages or skips used for lowering or raising men shall comply with the following: Construction
of cages
and skips,
etc.

1. The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.
2. The cage shall be provided with sheet-iron or steel side-casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and the casing shall extend to a height not less than five feet above the floor of the cage.
3. The cage shall be equipped with doors made of suitable material that extend to a height not less than five feet above the floor.
4. The doors shall be so arranged that it is impossible for the doors to open outward from the cage.
5. Doors shall be fitted with a suitable latch and shall have a minimum clearance at the bottom.
6. The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design and performance of which are approved by the chief engineer.
7. Such approval shall not be considered until the safety catches and mechanism are found to function satisfactorily under load conditions during such number of tests as are required by the chief engineer, each test to consist of suddenly releasing the shaft conveyance

in a suitable manner under maximum loading conditions for persons so that the safety catches will have the opportunity to grip the guides when the conveyance is descending at its maximum rated speed.

8. A report of such tests and drawings of the safety catches and mechanism shall be sent in duplicate to the chief engineer, who may require such further information or tests as he deems necessary.
9. Before a shaft conveyance equipped with an approved type of safety catches and mechanism is first used for the purpose of lowering or hoisting men, the safety catches and mechanism shall be found to function efficiently according to the requirements of the mechanical engineer during a test under the same conditions as set out in paragraph 6, and a permit for the use of the conveyance for hoisting and lowering men shall be obtained from the district engineer. R.S.O. 1960, c. 241, s. 339, pars. 1-9.
10. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 10, *amended*.
11. A shaft conveyance previously permitted for use by the district engineer for the purpose of lowering or hoisting men on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made shall not be put to such use until the safety catch and mechanism have been found to function efficiently according to the requirements of the mechanical engineer during a test made under the same conditions as set out in paragraph 6 and the district engineer has again issued permission for the use of the conveyance for such purpose. R.S.O. 1960, c. 241, s. 339, par. 11.
12. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the mechanical engineer. R.S.O. 1960, c. 241, s. 339, par. 12, *amended*.
13. A certificate of load capacity of the conveyance and attachments, which shall include the weight of the tail rope, if any, or other suspended load, shall be obtained from the manufacturer and made available to the mechanical engineer.

14. Devices for attaching the conveyance to the rope shall have a factor of safety of not less than 10.

15. The bales and suspension gear of all shaft conveyances shall be cleaned and thoroughly inspected at least once in every twelve months and a record of such inspection shall be made in the Hoisting Machinery Record Book. *New.*

340. The chief engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that maximum safety is provided. R.S.O. 1960, c. 241, s. 340. Hoisting without safety catches

341. The cage shall not have chairs attached to it that are operated by a lever or a chain through or from the floor of the cage. R.S.O. 1960, c. 241, s. 341. Operating chairs by lever

342. When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. R.S.O. 1960, c. 241, s. 342. Automatic operation of chairs

343. The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 343. Bales, safety latches, etc.

Hoisting Procedure

344.—(1) If at the commencement of a shift there has been a stoppage of hoisting in a shaft for a period exceeding two hours duration, no regular hoisting shall be done until the shaft conveyance has made one complete trip through the working part of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance has been made through and below the affected part of the shaft. R.S.O. 1960, c. 241, s. 344 (1), *amended*. Hoisting after stoppages

(2) The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 344 (2). Record of stoppages

345. Where a hoist is equipped with an auxiliary overwind device for preventing men from being hoisted to the dumping position in skips or in skips of skip-cage assemblies as required in section 590, the hoistman shall place the device in operation or assure himself that it is in operation at all times that men are handled. R.S.O. 1960, c. 241, s. 345. Auxiliary overwind

Obstructions 346. Where obstructions such as those referred to in section 558 may exist, the hoistman shall not hoist or lower the shaft conveyance without proper authority. R.S.O. 1960, c. 241, s. 346.

Testing overwind devices 347. All overwind and underwind devices shall be tested at least once during every twenty-four hours and a record of the test shall be posted immediately in the Hoistman's Log Book. R.S.O. 1960, c. 241, s. 347.

Brakes to be tested 348.—(1) The operator of a hoist shall, after going on shift and before a conveyance is raised or lowered, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current.

Drum not to be unclutched (2) The operator of a hoist shall not unclutch a drum of the hoist until the test mentioned in subsection 1 has been made. R.S.O. 1960, c. 241, s. 348.

Friction clutches 349.—(1) Where a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is raised or lowered, test the holding power of the clutch, the brake of the corresponding drum being kept on and the brake of the other drum being kept off.

Idem (2) In the case of a steam or air hoist, the test mentioned in subsection 1 shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current. R.S.O. 1960, c. 241, s. 349.

Use of brake when drum unclutched 350. When the drum of a hoist is unclutched, the brake of the drum shall be used only for the purpose of maintaining the drum in a stationary position, and no lowering shall be done from an unclutched drum. R.S.O. 1960, c. 241, s. 350.

When clutch to be kept in 351. When men are in a hoisting conveyance, the corresponding drum of the hoist shall be kept clutched in. R.S.O. 1960, c. 241, s. 351.

Hoistman's Log Book

Hoistman's Log Book 352.—(1) At every shaft or winze hoist, there shall be kept a Hoistman's Log Book in which the following shall be recorded:

1. A report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and

all other devices and fittings pertaining to the safe operation of the hoist.

2. A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned.
3. Any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions.
4. A report of the tests of the overwind and underwind devices.
5. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests.
6. A report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze.
7. A report of all trial trips referred to in sections 344 and 382.

(2) A notification to the hoistman on a succeeding period ^{Idem} of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book.

(3) All such entries shall be countersigned by the hoistman ^{Idem} assuming duty for the succeeding period.

(4) Such entries as are required by this section shall be ^{Idem} made and signed by every hoistman for his period of duty on a shaft or winze hoist and the time and duration of his period of duty shall also be noted, and such entries as have been made during the preceding twenty-four hours shall be read and signed each day by the master mechanic or other authorized person. R.S.O. 1960, c. 241, s. 352.

Hoist Brakes

353.—(1) Every device used for hoisting from mine work-^{Brakes required} ings shall be equipped with a brake or brakes that may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.

Arranged
to test
separately

(2) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist.

Not
operated
by foot

(3) No hoist used for raising or lowering persons or for shaft sinking shall be equipped with a brake or brakes operated by means of a hoistman's foot, unless such brake is an auxiliary electrical device.

Adjustments
to be
maintained

(4) The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied. R.S.O. 1960, c. 241, s. 353 (1-4).

Loss of
brake
pressure

(5) All brake engines shall be so equipped that, in the event of inadvertent or accidental loss of pressure in the brake system, the brakes may be applied. R.S.O. 1960, c. 241, s. 353 (5), *amended*.

Brake for
friction
hoists

(6) The brakes for a friction hoist shall be designed, adjusted and maintained to safely stop and hold the conveyance under all conditions of loading, direction of travel and speed. *New*.

Brakes

(7) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that, in shaft inspection, maintenance or sinking operations, men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

Automatic
operation

(8) At least one of the brakes required shall be arranged for automatic application upon operation of any of the safety devices for brake application. R.S.O. 1960, c. 241, s. 353 (6, 7).

Freedom of
falling
weights

(9) In a brake system where weights are used to furnish auxiliary pressure on loss of air, the weights shall be tested at least once every twenty-four hours to ensure their freedom of movement. *New*.

Single drum
air or steam

(10) In the case of single drum air or steam driven hoists, automatic valves to control engine compression, arranged for operation by the safety devices, may serve as a brake.

Idem

(11) The arrangements mentioned in subsection 10 are subject to the approval of the mechanical engineer. R.S.O. 1960, c. 241, s. 353 (8, 9).

Hoist Clutches

354. The device for operating the clutch of the drum shall be provided with adequate means to prevent the inadvertent withdrawal or insertion of the clutch. R.S.O. 1960, c. 241, s. 354. ^{Clutch-locking arrangement}

355. The brake and clutch operating gear shall be so installed that it will not be possible to unclutch a drum unless the brake or brakes on the drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. R.S.O. 1960, c. 241, s. 355. ^{Interlocking brake and clutch}

Hoist Drums

356. Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers. R.S.O. 1960, c. 241, s. 356. ^{Securing of drum parts}

357. On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is conical, such other appliances as are sufficient to prevent the rope or cable from slipping off. R.S.O. 1960, c. 241, s. 357. ^{Slipping of rope on drum}

358.—(1) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service. ^{Suitability of hoist drum for rope}

(2) The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope. ^{Bending stresses in rope}

(3) Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. R.S.O. 1960, c. 241, s. 358. ^{Rope risers}

359.—(1) On and after June 15, 1948, in all installations of newly-acquired drum hoists and modifications of existing hoists designed to increase the load ratings of the hoist, ^{Drum hoist installation}

- (a) all hoist drums over sixty inches in diameter shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and operations of a temporary nature, hoists with plain drums may be used;

(b)

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of a hoist drum shall not be less than 80 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch and shall not be less than 60 times the diameter of the rope in use when the diameter of the rope is not greater than one inch, except that, in the case of shaft-sinking and preliminary development operations,
 - (i) a hoist may be used having a drum whose diameter is not less than 60 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch, and
 - (ii) a hoist may be used having a drum whose diameter is not less than 48 times the diameter of the hoisting rope in use when the diameter of the rope is not greater than one inch; and
- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum. R.S.O. 1960, c. 241, s. 359, *amended*.

Change of
location

- (2) In any change of location of a hoist installed prior to the coming into force of this section, the requirements of clause *b* of subsection 1 apply.

Friction
hoist
installations

- (3) In friction hoist installations,

- (a) the drum diameter shall not be less than 80 times the diameter of the rope;
- (b) the hoist drive, control and brakes shall be so designed and maintained that slippage of the rope on the drum will not occur under normal operating conditions; and
- (c) the rope treads shall be inspected regularly and maintained in good condition. *New*.

Sheaves

Head
sheaves

- 360.—(1) Head sheaves shall be of such diameter as is suited to the rope in use and shall be machined properly to fit the rope.

(2) The diameter of a head sheave shall be determined by ^{Diameter} clause *c* of subsection 1 of section 359 as required for the hoist drum. R.S.O. 1960, c. 241, s. 384.

(3) The deflection sheaves shall be inspected weekly and ^{Deflection} the results recorded in the Hoisting Machinery Record Book. ^{sheaves}
New.

Overwinding, etc.—Air and Steam Hoists

361. In the case of steam or air hoists, where the depth of the shaft is greater than 300 feet or the hoisting speed is greater than 350 feet per minute, or in the case of a hoist designated by a mechanical engineer, there shall be provided suitable overwind and underwind protection for the hoisting conveyance, except that, in shaft-sinking, inspection and maintenance operations, the underwind protection may be dispensed with. R.S.O. 1960, c. 241, s. 360. ^{Overwind and underwind protection for air or steam hoists}

362. At all air or steam hoists, there shall be installed ^{Gauge required} within plain view of the operator a gauge to indicate the air or steam pressure. R.S.O. 1960, c. 241, s. 361.

Indicators

363.—(1) Every hoist shall, in addition to any marks on the rope or drum, be provided with a reliable depth indicator ^{Indicator required} that will clearly and accurately show to the operator,

(a) the position of the bucket, cage or skip;

(b) at what positions in the shaft a change of gradient necessitates a reduction in speed; and

(c) the overwind or underwind position of the shaft conveyance or counterbalance. R.S.O. 1960, c. 241, s. 362 (1), *amended*.

(2) Hoist depth indicators shall be driven by a reliable ^{Operation of indicator} means. R.S.O. 1960, c. 241, s. 362 (2).

(3) Means shall be provided on a friction hoist to adjust ^{Means to adjust indicator on friction hoist} the depth indicators and protective devices on the hoist to the position of the conveyance in the shaft. *New.*

Special Testing

364.—(1) The specifications of the hoist and equipment ^{Specifications required} and the general arrangement of the headframe shall be approved by the chief engineer. *New.*

Tests

(2) Before a new hoisting installation is put in service, tests shall be conducted to prove its compliance with this Act. R.S.O. 1960, c. 241, s. 363 (1), *amended*.

Record kept available

(3) A record of such tests and the results obtained shall be kept on file and made available to an engineer. R.S.O. 1960, c. 241, s. 363 (2).

Special testing by mechanical engineer

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls. R.S.O. 1960, c. 241, s. 364.

Tapered Guides, etc.

Final protection

365. In a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance, arranged so as to brake and stop an overwound or underwound conveyance in the event of failure of other devices. *New*.

Examination

Examination of hoisting equipment required

366. The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week,

- (a) sheave wheels;
- (b) attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips;
- (c) brakes;
- (d) interlocks;
- (e) depth indicators;
- (f) buckets;
- (g) counterweights;
- (h) cages;
- (i) skips;
- (j) external parts of the hoist;
- (k) mechanical hoisting signalling equipment, if any;

- (l) shaft dumping and loading arrangements;
- (m) sinking doors and blasting sets, and any attachments thereto; and
- (n) attachments to any cage, skip or bucket for any underslung regularly-used equipment,

and to record the report of such examination in a book called the Hoisting Machinery Record Book. R.S.O. 1960, c. 241, s. 365.

Hoist Loading

367.—(1) No drum hoist shall be used that is not accompanied by a certificate from the manufacturer or an independent competent hoist design engineer giving the maximum permissible rope pull for each drum and the maximum permissible suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. R.S.O. 1960, c. 241, s. 366 (1), *amended*. Permissible hoist loading

(2) No alterations designed to increase the hoisting capacity shall be made to a hoist unless approval is given by its manufacturer or an independent competent hoist design engineer. R.S.O. 1960, c. 241, s. 366 (2). Approval for increased capacity

Hoisting Ropes

368.—(1) The connection between the hoisting rope and the bucket, cage, skip, counter-balance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. Rope connection

(2) No open-hook device shall be used for such purpose. R.S.O. 1960, c. 241, s. 367 (1, 2). No open hooks

(3) Such device shall be of a design approved by the chief engineer. R.S.O. 1960, c. 241, s. 367 (3), *amended*. Approved connections

(4) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner. R.S.O. 1960, c. 241, s. 367 (4). Fastened to spider

369. In no case shall a rope that has been spliced be used for hoisting purposes. R.S.O. 1960, c. 241, s. 368. Splicing prohibited

370.—(1) No hoist shall be operated with less than three turns of rope on the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected. R.S.O. 1960, c. 241, s. 369 (1). Length of rope required on hoist drum

Three layers
only on
drum

(2) No hoist acquired after the 15th day of June, 1948, and no hoist existing on that date and modified after that date so as to increase its load rating, and no hoist that has its location changed, shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft. R.S.O. 1960, c. 241, s. 369 (2), *amended*.

Test
certificate

371.—(1) No hoisting rope shall be used that has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of the test is not in the possession of the user. R.S.O. 1960, c. 241, s. 370 (1).

Number of
test
specimens
required

(2) In friction hoist installations, where multiple ropes are used and when manufactured have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes,

(a) in the case of four ropes, two specimens shall be required;

(b) in the case of three ropes, two specimens shall be required. *New*.

Manu-
facturer's
certificate

(3) No hoisting rope or tail rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information:

1. Name and address of manufacturer.
2. Manufacturer's rope number.
3. Date of manufacture.
4. Diameter of rope in inches.
5. Weight per foot in pounds.
6. Number of strands.
7. Class of core.
8. Percentage of weight of lubricant in core.
9. Trade name of interior rope lubricant.
10. Number of wires in strand.
11. Grade of steel.
12. Diameter of wires in decimals of an inch.

13. Breaking stress of steel of which the wire is made in pounds per square inch.
14. Standard torsion test of wires.
15. Actual breaking load of rope, as provided by the certificate referred to in subsection 1.
16. Length of rope. R.S.O. 1960, c. 241, s. 370 (2), *amended*.

(4) When any rope is put on in a shaft compartment or hoisting way, the data mentioned in subsection 3 shall be entered in a book called the Rope Record Book, together with the additional following information:

1. Name of person from whom purchased.
2. Date of purchase.
3. Date put on in present location.
4. Identification number of rope.
5. Name of shaft or winze and compartment in which rope is used.
6. Weight of shaft conveyance.
7. Weight of material carried.
8. Maximum length of rope in service below sheave.
9. Maximum weight of rope in service below sheave.
10. Static factors of safety at conveyance connection and at head sheave with rope fully let out.
11. Date put on and removed from previous locations, if any.

(5) Duplicate copies of such entries shall be forwarded to the chief engineer at the time the rope is put on in any location.

(6) The owner or manager shall keep or cause to be kept at the mine a book called the Rope Record Book, in which shall be recorded, in addition to the information referred to in subsections 3 and 4, the following information:

1. A history of the hoisting rope, giving the date on which the rope was first put on.

2. Dates of shortening.
3. Dates and results of breaking tests.
4. Date and reason for taking off, for each occasion the rope is put into and taken out of service. R.S.O. 1960, c. 241, s. 370 (3-5).

Rope Record
Book open
to engineer

(7) The Rope Record Book shall be available to the engineer.

Notification
of rope
discarded

(8) When a hoisting rope or tail rope is taken out of service from a shaft compartment, notice to that effect shall be forwarded to the chief engineer, giving the date, the reasons for discarding or discontinuing the use of the rope, disposition of the rope, and such other information as he requires. R.S.O. 1960, c. 241, s. 370 (6, 7), *amended*.

Permission
required to
use old
rope

372.—(1) No hoisting rope or tail rope that has previously been in use in a place beyond the control of the owner shall be put on anew, except with the permission in writing of the chief engineer. R.S.O. 1960, c. 241, s. 371 (1), *amended*.

Request for
permission

(2) Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found.

Test pieces

(3) Two standard test pieces, one from each end of the rope, shall also be sent to the Ontario Government Cable Testing Laboratory for test. R.S.O. 1960, c. 241, s. 371 (2, 3).

Precautions,
used ropes

373. No hoisting rope or tail rope that has been removed from service at a shaft or winze compartment shall be put on anew for the purpose of raising or lowering men unless proper measures have been taken for the maintenance of the rope and the owner or manager is satisfied that the rope is in safe working condition. R.S.O. 1960, c. 241, s. 372, *amended*.

Rope
removal

374. When a shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall immediately be removed from the shaft. R.S.O. 1960, c. 241, s. 373.

Rope not
to be
reversed

375. No hoisting rope shall be reversed until application has been made in writing to the chief engineer, standard test pieces from each end of the rope have been submitted for test, and approval for the reversal has been received from the chief engineer. R.S.O. 1960, c. 241, s. 374.

376.—(1) For the purpose of this section, the factor of safety of a hoisting rope or tail rope in a shaft or winze means the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in the rope. ^{Factor of safety of hoisting rope}

(2) The breaking strength of the hoisting rope means the breaking strength of the rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by subsection 1 of section 371. ^{Breaking strength, hoisting rope} R.S.O. 1960, c. 241, s. 375 (1, 2), *amended*.

(3) The breaking strength of the tail rope shall be that as certified by the manufacturer. *New.* ^{tail rope}

(4) Every hoisting rope, when newly installed on a newly-acquired drum hoist or on an existing drum hoist modified to increase the hoist load ratings or on a drum hoist that has had its location changed, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the shaft or winze conveyance and where the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted. R.S.O. 1960, c. 241, s. 375 (3), *amended*. ^{Idem}

(5) In addition, the hoisting rope shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that part of the rope that extends from the head sheave to the conveyance. ^{Idem}

(6) Every hoisting rope when newly installed on hoists that were the property of a mine on the 15th day of June, 1948, shall have a factor of safety of not less than 6 for shafts and winzes less than 2,000 feet in depth and not less than 5 for shafts and winzes over 2,000 feet in depth at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope that extends from the head sheave to the conveyance. R.S.O. 1960, c. 241, s. 375 (4, 5). ^{Idem}

(7) When the rope is installed on a friction hoist, the factor of safety shall not be less than that as determined from the following formula: $F. of S. = 9.5 - .00075 d$, where d is the maximum length of rope suspended below the head sheave in feet. ^{Factor of safety for friction hoist}

Idem (8) For friction hoists, the factor of safety shall not be less than 5.5 for any depth of shaft when the rope is installed.

Idem (9) The factor of safety for a given friction hoist installation is the lowest actual breaking strength, as determined by the Ontario Government Cable Testing Laboratory for the ropes, times the number of ropes, divided by the sum weight of the conveyance and attachments, the maximum conveyance load carried and the maximum weight of rope suspended in one compartment of the shaft.

Idem (10) The factor of safety of the tail rope shall not be less than 7 when installed. *New.*

Rope discarded 377. No hoisting rope shall be used in a shaft or winze where in any part of the rope,

- (a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;
- (b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;
- (c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;
- (d) marked corrosion occurs;
- (e) the rate of stretch in a friction hoisting rope begins to show a rapid increase over the normal stretch noted during its service. R.S.O. 1960, c. 241, s. 376, *amended.*

Rope dressing 378.—(1) The rope dressing used on a drum hoisting rope shall be suited to the operating conditions of the rope, and the dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition. R.S.O. 1960, c. 241, s. 377 (1), *amended.*

Idem (2) Every time the rope is dressed, a report of the treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performed the work. R.S.O. 1960, c. 241, s. 377 (2).

Rope Testing

Testing of hoisting rope 379.—(1) At least once in every six months, the hoisting rope of a drum hoist shall have a portion not less than eight feet in length cut off the lower end from a position above the clamps or other attachment. R.S.O. 1960, c. 241, s. 378 (1), *amended.*

(2) The length so cut shall have the ends adequately fastened with binding wire before the cut is made to prevent the disturbance of the strands and shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. R.S.O. 1960, c. 241, s. 378 (2). ^{Ends adequately bound}

(3) In friction hoist installations, specimens shall be submitted for test and examination during the life of the rope if and when available and as close to six-month intervals as practicable. *New.* ^{Tests required for friction hoist ropes}

(4) The certificate of the test shall be kept on file and a summary thereof recorded in the Rope Record Book. R.S.O. 1960, c. 241, s. 378 (3). ^{Recording of test}

380.—(1) The chief engineer may require that test specimens shall be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation if he is of the opinion that such testing and investigation are in the interest of better mine hoisting practice. ^{Special testing of used hoisting ropes}

(2) No charge shall be made for such special testing and investigation. R.S.O. 1960, c. 241, s. 379. ^{No charge for testing}

Clearance for Tail Ropes

381. Water and muck spillage in the shaft sump shall be kept at such a level that the tail ropes shall have a clear passage at all times. *New.* ^{Tail ropes to be clear}

Rope Attachments

382.—(1) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip or counterweight and the connection between the drum and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager or department head, and shall not be used for ordinary transport of persons in a shaft or winze until two complete trips up and down the working parts of the shaft or winze have been made with the bucket, cage, skip or counterweight bearing its authorized load. ^{Examination of attachments}

(2) The hoistman shall make a record of such two complete trips in the Hoistman's Log Book. ^{Record to be kept}

(3) The results of the examination of the connecting attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination. R.S.O. 1960, c. 241, s. 380. ^{Results to be recorded}

Cleaning
and
examination
of rope
connections

383.—(1) Every six months, the connection between the rope and the bucket, cage, skip or counterweight shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (1), *amended*.

Idem

(2) At such time, the connection between the rope and the drum shall be thoroughly cleaned and examined. R.S.O. 1960, c. 241, s. 381 (2).

Counter-
weight

384. The rope from the counterweight shall be attached to the drum of the hoist and not to the shaft conveyance in drum hoist installations. R.S.O. 1960, c. 241, s. 382, *amended*.

Examination of Ropes and Safety Appliances

Examination
of ropes and
safety
appliances

385.—(1) The owner or manager shall depute a competent person or persons who shall examine,

- (a) at least once in each day, the exterior of the hoisting rope and tail rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing;
- (b) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, and the tail rope, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by such person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope, and the starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any portion showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined;
- (c) the portion of the rope that normally remains on the drum of a drum hoist when the conveyance is at its lowest stopping point, and shall lubricate such portion, and, if, during the examination of the rope, significant deterioration is found in the portion on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary;
- (d) at least once in each day, the safety catches, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition;

(e)

- (e) at least once in every three months, the safety catches of the cage or other shaft conveyance so equipped by testing the same, such test to consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches have the opportunity to grip the guides, and, in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for raising or lowering men until the safety catches have been repaired and have been proved to act satisfactorily, as referred to in paragraph 11 of section 339. R.S.O. 1960, c. 241, s. 383 (1), *amended*.

(2) In friction hoist installations, the stretch of the hoisting rope or ropes shall be measured and recorded in the Friction Hoist Machinery Record Book. ^{Stretch to be recorded}

(3) In friction hoist installations, measurement of rope diameters and the location and number of broken wires shall be recorded monthly in the Friction Hoist Machinery Record Book. ^{Rope diameters and broken wires to be recorded} *New*.

(4) If the mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped. ^{Mechanical engineer may conduct tests}

(5) If on examination there is discovered any weakness or defect whereby the safety of persons may be endangered, the weakness or defect shall be immediately reported to the owner or manager or person in charge and, until the weakness or defect is remedied, the hoisting plant shall not be used. ^{Defects to be remedied at once} R.S.O. 1960, c. 241, s. 383 (2, 3).

(6) It is the duty of the person referred to in subsection 1 to record the reports of all examinations therein referred to and also to record all reports referred to in subsection 5 in a book called the Hoisting Machinery Record Book or the Friction Hoist Machinery Record Book, whichever is applicable. ^{Recording of examination and reports} R.S.O. 1960, c. 241, s. 383 (4), *amended*.

Hoisting Machinery Record Books

386.—(1) The owner or manager shall keep or cause to be kept at the mine the Hoisting Machinery Record Books referred to in section 366, in which shall be entered a report of every examination or report referred to in sections 339 and 366, subsection 2 of section 378, subsection 3 of section 382 and sections 383 and 385, and a notation of any failure of, accident to, correction or repairs to the hoist, the hoisting rope, ^{Entering of reports}

the

the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report.

Entries to
be signed

(2) Such entries shall be read and signed each day, week or month, as is required by this Act, by the person in charge of such equipment or accessories thereto.

What to
be entered

(3) A notation shall be made in the Hoisting Machinery Record Books of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the person in charge of such equipment or accessories thereto.

Books to be
available

(4) The Hoisting Machinery Record Books shall be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 385, *amended*.

Raise Climbers

Brakes

387.—(1) Raise climbers shall be fitted with more than one means of braking, each capable of stopping the climber and holding it in place.

Maintenance

(2) Raise climbers shall be maintained in safe operating condition.

Testing of
brakes

(3) The operator of a raise climber shall ensure at the beginning of his shift that the brakes are in safe working condition.

Load
capacity

(4) The rated load capacity of the equipment as certified by the manufacturer shall not be exceeded.

Log book

(5) Where raise climbers are used pursuant to section 271 or subsection 2 of section 315, an approved log book shall be maintained.

Record
kept

(6) A record of inspections, maintenance and repairs shall be maintained in the log book.

Availability
to engineer

(7) The log book shall be available to the engineer at all times. *New*.

Elevators

Folding
gates

388.—(1) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least five feet six inches in height.

(2) All folding gates over three feet wide shall have top, Idem bottom and centre braces.

(3) Every gate or door opening to an elevator hoistway shall be controlled by an interlocking device so that the elevator cannot be moved unless the door or gate is properly closed and that the door or gate cannot be opened unless the elevator car is in the proper position at the floor or landing place. R.S.O. 1960, c. 241, s. 386.

389. Every hoistway landing place shall be adequately lighted. R.S.O. 1960, c. 241, s. 387.

390. When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet. R.S.O. 1960, c. 241, s. 388.

391. All guide rails for cars and counterweights shall be of substantial construction and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation and shall be firmly fixed in that position. R.S.O. 1960, c. 241, s. 389.

392. At every elevator, other than an approved automatically-controlled passenger elevator, a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing. R.S.O. 1960, c. 241, s. 390.

393. Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding. R.S.O. 1960, c. 241, s. 391.

394. All counterweights shall have their sections strongly bolted together, shall be so placed that they cannot fall on any part of the elevator or machinery and shall be suspended in guides in such a manner that they will run freely without danger of being detached. R.S.O. 1960, c. 241, s. 392.

395. Every elevator on which any person travels shall be provided with side casing and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing. R.S.O. 1960, c. 241, s. 393.

Safety
catches

396.—(1) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and its maximum load at any position in the hoistway.

Idem

(2) When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts. R.S.O. 1960, c. 241, s. 394.

Signalling
devices

397. For every elevator on which any person travels, other than an elevator equipped with approved controls for automatic operation, there shall be provided at every floor or landing place suitable devices to signal to the elevator car operator. R.S.O. 1960, c. 241, s. 395.

Inspection
of elevators

398.—(1) The ropes, safety devices, safety catches, signalling devices, doors, interlocks and other electrical and mechanical equipment necessary to the safe operation of elevators shall be inspected at least once each month.

Records
available

(2) The records of such inspection shall be made available to the engineer. R.S.O. 1960, c. 241, s. 396.

Posting
capacity of
elevator

399. The manufacturer's rated capacity for the elevator shall be posted in the elevator. R.S.O. 1960, c. 241, s. 397.

Age, elevator
operators

400. No person under the age of eighteen years shall be allowed to operate an elevator, other than an automatically-controlled elevator. R.S.O. 1960, c. 241, s. 398, *amended*.

Travelling Cranes

Interpre-
tation

401.—(1) In this section and in sections 530 and 531, "crane" means a crane that travels on fixed tracks and is operated from a cab mounted on the crane. *New*.

Warning
devices

(2) Every crane shall be equipped with a whistle, bell, gong or horn that shall be sounded at such times as are necessary to give warning of the approach of the crane to places where men are working or are liable to pass. R.S.O. 1960, c. 241, s. 399 (1), *amended*.

Devices
to prevent
overwind

(3) Every crane shall be equipped with suitable devices to prevent overwinding. R.S.O. 1960, c. 241, s. 399 (2).

Daily
examination
of cranes

(4) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. R.S.O. 1960, c. 241, s. 400 (1).

(5) A record of the examination and other regular maintenance examinations shall be kept, signed by the person making the examination, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 400 (2), *amended*. Record available

(6) No person, other than the operator, shall be permitted to ride on a crane or any part thereof or on any material carried by the crane, except for inspection, supervision, maintenance and repair, or the instruction of a new operator. R.S.O. 1960, c. 241, s. 401. Riding prohibited

(7) No person under the age of eighteen years shall be allowed to operate a power-driven crane controlled from a cab. R.S.O. 1960, c. 241, s. 402, *amended*. Age, crane operators

Protection from Machinery

402. Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 403. Fly-wheel, geared-wheel, etc.

403. Every key, bolt, set-screw, and every part of a wheel or other revolving machinery that projects unevenly from the surface, shall be covered, unless situated in such a manner or location as to prevent a person from coming into accidental contact therewith. R.S.O. 1960, c. 241, s. 404. Uneven projections to be covered

404.—(1) Every stationary power-driven grinding wheel shall be provided with a suitable hooded guard. R.S.O. 1960, c. 241, s. 405 (1), *amended*. Grinding wheels to be guarded

(2) Such guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. R.S.O. 1960, c. 241, s. 405 (2). Idem

405. Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing. R.S.O. 1960, c. 241, s. 406. Wearing loose clothing

406. Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing. R.S.O. 1960, c. 241, s. 407. Runway to have hand-railing

407. Every entrance to an elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail or automatically-closing gate. R.S.O. 1960, c. 241, s. 408. Protection of entrance

Counter-weights

408. Every counterweight shall be so situated or guarded that injury to a person would not be probable should it become detached from its fastenings. R.S.O. 1960, c. 241, s. 409.

Track condition

409.—(1) Every switch in a track, either above or below ground, on which cars are moved by mechanical power shall have the frog and guard rail entrances provided with a guard block if its construction is not such that the hazard of a man's foot being caught in it is reduced to a minimum. R.S.O. 1960, c. 241, s. 410 (1), *amended*.

Maintenance of tracks

(2) All tracks shall be maintained in good working condition. R.S.O. 1960, c. 241, s. 410 (2).

Conveyors, belts

410.—(1) No person shall ride on a conveyor or belt, other than an escalator or man-lift approved by the chief engineer. R.S.O. 1960, c. 241, s. 411 (1).

Idem

(2) The following apply to installations of conveyor belts that exceed 100 feet in length:

1. There shall be an approved means for stopping the conveyor belt, available to any person along its course, by a device that is not capable of restarting the conveyor belt.
2. There shall be a suitable means of locking or tagging the control switch, or both, to prevent the conveyor belt from starting, and any control switch that is locked shall not be a push-button switch.
3. Where practicable, there shall be suitable warning before starting a conveyor belt to warn persons along its course.
4. Where conveyorways are used as regular travelways, suitable means shall be provided to protect persons from material that may fall from the belt. R.S.O. 1960, c. 241, s. 411 (2), *amended*.

Idem

(3) All inclined conveyorways shall be equipped with a suitable walkway or travelway to allow access for maintenance purposes. *New*.

Clay, Sand and Gravel Pits, and Quarries

Undermining forbidden

411.—(1) In workings of clay, sand and gravel or other types of unconsolidated material, the method of removing material by undermining shall not be used.

(2) No working place shall have a vertical height of more than ten feet, unless the material is at a suitable angle to ensure safety.

(3) Where the thickness of the material exceeds ten feet ^{Idem} in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety. R.S.O. 1960, c. 241, s. 412 (1-3).

(4) Where mechanical equipment is used in loading un-^{Mechanical equipment} consolidated material, unless the material is at a suitable angle of repose, no working place shall have a vertical height of more than five feet above the top of the boom or the bottom of the bucket raised to its highest operating position. R.S.O. 1960, c. 241, s. 412 (4), *amended*.

412. Unless permission in writing is first obtained from ^{Height of face} the chief engineer, all open-cut (cast) operations (workings) over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high, and due precautions shall be taken to maintain the walls, benches and broken material in a safe working condition, and no working face shall be advanced by undercutting, except where a tunnelling method is used. R.S.O. 1960, c. 241, s. 413 (1), *amended*.

413. Every pit or quarry dangerous by reason of its depth ^{Fencing pits and quarries} shall be securely fenced or otherwise protected against inadvertent access. R.S.O. 1960, c. 241, s. 414, *amended*.

414.—(1) In all open-pit workings, all unconsolidated ^{Stripping overburden} materials, such as clay, earth, sand, gravel and loose rock lying within six feet of the rim of the pit or quarry, shall be removed. R.S.O. 1960, c. 241, s. 415 (1), *amended*.

(2) Beyond this strip, all overburden shall be sloped to an ^{Idem} angle less than its natural angle of repose. R.S.O. 1960, c. 241, s. 415 (2).

415. When dumping material from a vehicle to a stock-^{Precautions when dumping} pile, due precautions shall be taken to keep the vehicle at a safe distance from the edge. *New*.

416.—(1) Unless the adjoining owners agree to dispense therewith, in sand, clay or gravel or other natural un-^{Party walls of pits and quarries} consolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of the total pit face, and material that sloughs from within this distance shall not be removed.

Excavation
restriction

(2) Unless the adjoining owners agree to dispense therewith, no quarrying shall be carried on in a rock quarry within a distance of fifteen feet of the property boundary. R.S.O. 1960, c. 241, s. 416 (1, 2), *amended*.

Idem

(3) Where there is overburden, the natural slope of the overburden shall be allowed for beyond this distance from the property boundary as required under section 414. R.S.O. 1960, c. 241, s. 416 (3).

Examination
of wall

417.—(1) No person shall be permitted to work near the pit or quarry wall until the wall has been examined by the foreman in charge of the crew. R.S.O. 1960, c. 241, s. 417 (1), *amended*.

Idem

(2) If the wall is found unsafe, the foreman shall have all hazards removed before permitting any other work. R.S.O. 1960, c. 241, s. 417 (2).

Inspection
of derrick
guy wires

418. Derrick guy wires shall be regularly inspected and maintained. R.S.O. 1960, c. 241, s. 418.

Life lines

419.—(1) It is the duty of each man engaged in work on the wall of the pit or quarry, at such operations as barring loose material, scaling and cleaning, to continually wear a life line. R.S.O. 1960, c. 241, s. 419 (1), *amended*.

Snubbing,
etc.

(2) The life line shall be securely snubbed above the working place and shall be under the supervision of a snubtender, or the line may be held taut by one or more fellow-workmen. R.S.O. 1960, c. 241, s. 419 (2).

Hoisting
of men
prohibited

420. No person shall be hoisted or allow himself to be hoisted or lowered by means of a hoist or derrick at a pit or quarry unless permission is first obtained in writing from the chief engineer. R.S.O. 1960, c. 241, s. 420.

Signalman
to clear
area

421. Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, the signalman shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. R.S.O. 1960, c. 241, s. 421.

Deraill at
top of
incline

422.—(1) An effective block, automatic derail or safety switch shall be provided at the top of each inclined place to prevent cars from accidentally running down.

Exception

(2) Such installation, however, is not required where the skip or car remains on the hoisting cable. R.S.O. 1960, c. 241, s. 422.

423. At all rock quarries, a record of each primary blast, ^{Record of primary blasts} signed by the person in charge of the blast, shall be kept and the following information recorded:

1. Date, time and location of the blast.
2. Burden, spacing, depth and number of holes blasted.
3. Weight of explosive, footage of top stemming and firing delays used in respect of each hole.
4. Weight of explosives used per estimated ton broken.
R.S.O. 1960, c. 241, s. 423.

424. Unless the movement of the hoisting conveyance is ^{Hoisting signals} visible to the hoistman at all times, a suitable signal system shall be installed and maintained, and suitable signals, approved by an engineer, shall be used. R.S.O. 1960, c. 241, s. 424.

425.—(1) At every pit or quarry, there shall be provided and ^{Travelling ways} maintained in good condition a suitable travelling way leading from the working level of the pit or quarry to the surface. R.S.O. 1960, c. 241, s. 425 (1), *amended*.

(2) Where the travelling way is inclined at more than ^{Idem} 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided.

(3) All stairways shall be equipped with substantial and ^{Idem} suitably-placed hand-rails.

(4) Where the travelling way is inclined at more than ^{Idem} 50 degrees to the horizontal, ladders shall be used.

(5) Substantial platforms shall be built at intervals not ^{Idem} exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set. R.S.O. 1960, c. 241, s. 425 (2-5).

(6) Except for approved access ladders to equipment, no ^{Idem} ladder shall be installed at an inclination of more than 70 degrees to the horizontal. R.S.O. 1960, c. 241, s. 425 (6), *amended*.

426. Adequate lighting, safe footing and sufficient room ^{Safe working conditions about machinery} shall be provided for all workmen who are required to work near or about machinery. R.S.O. 1960, c. 241, s. 426.

*Crushing Plants, Mills and Metallurgical Works*Antidotes
and washes

427.—(1) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the compounds, solutions or gases as is practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases.

Idem

(2) Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them. R.S.O. 1960, c. 241, s. 427.

Storage,
production,
etc., of acids,
poisons

428. Due provision shall be made at all plants, where acids or poisonous compounds are produced, transferred, used or stored, to reduce to a minimum the hazard of handling or storing such materials. R.S.O. 1960, c. 241, s. 430, *amended*.

Removal
of dust

429. In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity sufficient to be injurious to health, suitable apparatus shall be installed for its removal. R.S.O. 1960, c. 241, s. 428.

Poisonous
vapours

430.—(1) In every mill or plant where poisonous vapours or gases exist or may be formed, suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same. R.S.O. 1960, c. 241, s. 429.

Precaution
when
entering
tank

(2) No person shall enter or be permitted to enter a tank until due precautions have been taken to ensure that the atmosphere is safe. *New*.

Transfer of
liquids by
compressed
air

431. The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly-designed and tested equipment is used for this purpose. R.S.O. 1960, c. 241, s. 431.

Life lines,
for work
in bins

432.—(1) No person shall enter or be allowed to enter a storage bin from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material.

to be
provided
and worn

(2) The owner or manager shall, when necessary, provide life lines for the workmen, and it is the duty of the workmen to continually wear such life lines when, by so doing, the interests of safety are advanced. R.S.O. 1960, c. 241, s. 432.

433. Where in the opinion of the engineer the use of ^{Bin}working platforms in or at bins is advisable, they shall be ^{platforms} provided, used and maintained in a safe working condition. R.S.O. 1960, c. 241, s. 433.

434.—(1) Guard-rails shall be placed at the approach to ^{Guard-rails}tracks on surface, where mechanical haulage is used and where ^{at track}approaches the view of the tracks is obstructed in one or both directions.

(2) Where restricted clearances make the use of guard-rails ^{When}impractical in the opinion of an engineer, he may permit such guard-rails to be omitted but shall require that there be installed at the track approaches a suitable type of warning signal that will automatically give adequate, audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches. R.S.O. 1960, c. 241, s. 434.

435.—(1) Workmen employed at metallurgical works shall ^{Shields for}be supplied with suitable shields and appliances to protect ^{protection}them as far as possible against being burned with molten ^{against}metal or other material. ^{burning}

(2) It is the duty of all workmen to use such shields and ^{Use}appliances. R.S.O. 1960, c. 241, s. 435.

436. Before any person or persons are allowed to work on ^{Inspection}stock piles of ore, limestone, coke or other material, the stock ^{of stock pile}piles shall be inspected by some authorized person whose duty it is to see that they are in a safe working condition. R.S.O. 1960, c. 241, s. 436.

437. Each scale car shall be provided with an audible ^{Scale cars}warning alarm that shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. R.S.O. 1960, c. 241, s. 437.

438.—(1) Every ladle or slag pot shall be examined before ^{Examination}molten material is placed therein. ^{of moulds,}
^{etc.}

(2) Every effort shall be made to prevent molten material ^{Idem}from coming into accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. R.S.O. 1960, c. 241, s. 438.

439.—(1) When molten material is transported by me- ^{Filling of}chanical means in ladles or slag pots and the safety of persons ^{moulds, etc.}

may be endangered from splashing, every effort shall be made to ensure that the ladles or slag pots are not filled above a point four inches below the top of the vessel.

Idem

(2) If this limit is exceeded, the ladle or slag pot shall not be moved until the foreman or other responsible person has warned the workmen required to handle the ladle or slag pot of this condition and has warned all persons in the vicinity. R.S.O. 1960, c. 241, s. 439.

Side
clearance
haulage

440. Where mechanical haulage is used on surface and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of a building or other structure is less than eighteen inches, the location shall be plainly marked showing the danger. R.S.O. 1960, c. 241, s. 440.

Overhead
clearance

441. At the approach to an overhead bridge, pipe line or a similar structure on a standard-gauge railway track and the clearance is less than six feet between the top of a railway car and the underside of the structure, a "low bridge" warning device shall be installed. R.S.O. 1960, c. 241, s. 441.

Life lines

442. Life lines and belts in good order shall be provided and kept in a secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by a workman whose duties require him to work in an atmosphere that is liable to become dangerous by reason of the presence of noxious gases. R.S.O. 1960, c. 241, s. 442.

Blast furnaces

Ventilation

443. At all furnaces of the hand-filled type, the room at the furnace top, where workmen are engaged, shall be adequately ventilated. R.S.O. 1960, c. 241, s. 443, *amended*.

Protecting
workmen

444. Whenever it becomes necessary for a workman to go above the casting floor, he shall notify the foreman or other responsible person, who shall see that there is always a workman in attendance whose duty it is to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger. R.S.O. 1960, c. 241, s. 444.

Protection
from bustle
pipes

445.—(1) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it.

(2) Access to the platform shall be by a stairway provided ^{Idem} with hand-rails. R.S.O. 1960, c. 241, s. 445.

446. A suitable line of communication by telephone, gong, ^{Line of communication} or other mechanical means, shall be maintained between the furnace top, and all other dangerous places, to the casthouse, skip operator's room or other place where workmen are continuously on duty. R.S.O. 1960, c. 241, s. 446, *amended*.

447. A suitable ladderway or stairway shall be provided ^{Stairways and ladderways} from the foundation to the top of the furnace. R.S.O. 1960, c. 241, s. 447.

448. Unless an approved type of elevator is provided as a ^{Stairways protected} means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a workman to fall from the top to the foundation below. R.S.O. 1960, c. 241, s. 448.

449.—(1) Every foreman shall personally supervise or ^{Supervision of hazardous work} appoint a competent person to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast-house, about the stoves, when blowing in or blowing out, and any work about the bells or stock line. R.S.O. 1960, c. 241, s. 449 (1), *amended*.

(2) He shall also, when the furnace is known to be hanging ^{Idem} and liable to slip, see that no workman is allowed on top for any purpose. R.S.O. 1960, c. 241, s. 449 (2).

450. When ore becomes frozen or jammed in the furnace ^{Protection around bell} hopper or bell and workmen are required to bar the ore into the furnace, a suitable guard-rail shall be provided to prevent workmen from slipping on to the bell. R.S.O. 1960, c. 241, s. 450.

451.—(1) There shall be maintained in readily accessible ^{Rescue apparatus} places at all metallurgical plants, where the atmosphere may contain dangerous concentrations of poisonous gases or vapours, detection equipment, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of the apparatus. R.S.O. 1960, c. 241, s. 451 (1), *amended*.

(2) There shall also be on duty in each working shift one ^{Trained personnel} or more persons appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. R.S.O. 1960, c. 241, s. 451 (2).

*Steam, Compressed Air***Steam
boilers**

452.—(1) Every steam boiler used for generating steam in or about a mine, whether separate or one of a range,

(a) shall have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler; and

(b) shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

**Certificate
posted**

(2) The certificate of inspection shall be kept posted in the boiler room at all times. R.S.O. 1960, c. 241, s. 452.

Maintenance

453. Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. R.S.O. 1960, c. 241, s. 453.

**Air receivers
and com-
pressors**

454.—(1) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

**Certificate
posted**

(2) The certificate of inspection shall be kept posted in the compressor room at all times.

**Examination
and main-
tenance**

(3) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary.

**Tempera-
ture-indicat-
ing device**

(4) A temperature-indicating device shall be installed on the high pressure discharge of each compressor.

Idem

(5) The normal operating temperature shall be indicated by a red mark on the scale.

Idem

(6) The temperature shall be recorded at least once a shift.

Exception

(7) Subsections 3 to 6 do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

(8) The air receivers mentioned in subsection 1 shall be examined at least once in every twelve months and shall be cleaned when necessary. ^{Examination of air receivers}

(9) A book shall be kept in which shall be recorded the date of every examination and cleaning under subsections 3 and 8 and a note shall be made as to the condition of the appliance examined or cleaned. R.S.O. 1960, c. 241, s. 454. ^{Record of examinations}

PROVISIONS GOVERNING THE USE OF ELECTRICITY

455. In this section and in sections 456 to 594,

^{Interpre-}
^{tation}

1. "accessible", as applied to equipment, means permitting close approach because not guarded by locked doors, elevation or other effective means;
2. "armoured cable" means a cable provided with an outer covering, fabricated from a metal other than lead, which forms an integral part of the assembly of the cable and is designed primarily to afford mechanical protection;
3. "authorized person" means,
 - (a) a qualified person who, because of his duties or occupation, is delegated to approach or handle electrical equipment,
 - (b) any other person who, having been warned of the hazards involved, has been instructed or authorized to approach or handle electrical equipment by some person having authority to give the instructions or authorization;
4. "branch circuit" means the part of a circuit that extends beyond the final over-current devices on the circuit;
5. "circuit" means a path through which electric current can flow;
6. "circuit-breaker" means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;
7. "conductor" means a body so constructed from conducting material that it may be used as a carrier of electric current;

8. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
9. "disconnecting means" means a device, group of devices or other means whereby the conductors of a circuit can be disconnected from their source of supply;
10. "electrical equipment" means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any such materials or things may be mechanical, metallic or non-electric in origin;
11. "feeder" means a conductor, or group of conductors, which transmits electrical energy from a service supply, transformer, switchboard, distribution centre, generator or other source of supply to branch circuit overcurrent devices;
12. "ground" means a connection to earth obtained by a ground electrode;
13. "ground electrode" means a buried metallic water-piping system or metal object or device buried in or driven into the ground so as to make intimate contact therewith and to which a grounding conductor is electrically and mechanically connected;
14. "grounded" means connected effectively with the general mass of the earth through a grounding system having a current-carrying capacity sufficient at all times, under the most severe conditions that are liable to arise in practice, to prevent a current in the grounding conductor from causing a harmful voltage to exist,
 - (a) between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
 - (b) between the grounded conductors and neighbouring surfaces of the earth itself;

15. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode;
16. "grounding system" means all conductors, clamps, ground clips, ground plates or pipes and ground electrodes by means of which the electrical installation is grounded;
17. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
18. "isolating means" means a device, group of devices or other means intended for isolating an electric circuit from its source of power and intended to be operated only after the circuit has been opened by some other means;
19. "mobile", as applied to electrical equipment, means the equipment is specifically designed not to be used in a fixed position;
20. "overcurrent device" means any device capable of automatically opening an electrical circuit both under pre-determined overload and short-circuit conditions either by fusing of metal or by electro-mechanical means;
21. "overload device" means a device affording protection from excess current but not necessarily short-circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
22. "qualified person" means a person familiar with the construction and operation of electrical equipment and the hazards involved;
23. "switch" means a device for making, breaking or changing connections in a circuit, and
 - (a) "general use switch" means a switch that is intended for use in general distribution and branch circuits, is rated in amperes and is capable of interrupting its rated current at rated voltage, and

(b)

- (b) "motor circuit switch" means a switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower at the rated voltage;
24. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
25. "utilization equipment" means equipment, devices and connected wiring that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of the supply equipment, supply lines or communication lines;
26. "visible break", where applied to a disconnecting means, means a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
27. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
28. "voltage to ground" means,
- (a) in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
- (b) in ungrounded circuits, the highest effective difference of potential existing in the circuit;
29. "wire gauge" means the standard known as A.W.G. (American Wire Gauge) or B. & S. (Brown and Sharpe) wire gauge. R.S.O. 1960, c. 241, s. 455, *amended*.

GENERAL

Disconnection when
mine
abandoned

456. In case of the abandonment of a mine, the owner, manager or superintendent shall cause such station or stations supplying power to and being the property of the mine to be disconnected from the power source and within fourteen days

shall

shall notify the chief engineer in writing that the disconnection has been made. R.S.O. 1960, c. 241, s. 517.

457. Electrical equipment shall be designed, installed and maintained in compliance with the requirements of this Act. R.S.O. 1960, c. 241, s. 461, *amended*. ^{General}

458. The current edition of the Canadian Electrical Code, Part I, shall be accepted as good practice in the installation of electrical equipment except where it may conflict with the sections herein set forth. R.S.O. 1960, c. 241, s. 457, *amended*. ^{Accepted standard}

459. All electrical equipment shall be of such construction and so installed and maintained as to reduce life and fire hazard as far as practicable. R.S.O. 1960, c. 241, s. 458. ^{Hazard free}

460. All electrical equipment shall be suitably identified where necessary for safety. R.S.O. 1960, c. 241, s. 459. ^{Identification of equipment}

461. Electrical equipment shall show a plate bearing the maker's name and all other ratings, such as horsepower, voltage or current, necessary to prove its suitability. R.S.O. 1960, c. 241, s. 460, *amended*. ^{Nameplate required}

462.—(1) Where electrical apparatus is used at a mine, it shall be in the charge of an authorized person who shall be qualified by experience to handle such apparatus. ^{Competent person in charge}

(2) Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do. ^{Idem}

(3) Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons. R.S.O. 1960, c. 241, s. 456. ^{Idem}

463. Temporary wiring and equipment that are not in compliance with this Act may be used in an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons, and such temporary installations are permissible only for the period of the emergency. R.S.O. 1960, c. 241, s. 464. ^{Temporary installations}

464.—(1) Defective equipment shall be put in good order or permanently disconnected. ^{Defective equipment}

(2) Defective wiring shall be repaired or removed. R.S.O. 1960, c. 241, s. 462. ^{Defective wiring}

Work on live equipment 465.—(1) No repairs or alterations shall be carried out on any live equipment exceeding 300 volts to ground, except where complete disconnection of the equipment is not practicable.

Idem (2) If the adjustment or repairs must be made while the equipment is alive, all necessary precautions shall be taken to ensure that the work may be done safely.

Idem (3) In places where explosive or highly-flammable materials or gases are present, repair or alteration shall not be made on any live equipment. R.S.O. 1960, c. 241, s. 466.

Locking or tagging switches 466.—(1) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Idem (2) Notices placed on electrical equipment shall be of non-conducting materials. R.S.O. 1960, c. 241, s. 463.

Fire-extinguishing appliances 467.—(1) Where installed electrical apparatus presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. R.S.O. 1960, c. 241, s. 465 (1).

Idem (2) Any fire-extinguishing appliance that has not been approved for use on live parts shall not be placed in a room containing electrical apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires. R.S.O. 1960, c. 241, s. 465 (2), *amended*.

GROUNDING

Protection from mechanical injury 468. Grounding conductors shall have adequate protection where exposed to mechanical injury. R.S.O. 1960, c. 241, s. 471.

Circuits to be grounded 469.—(1) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service.

Idem (2) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Idem (3) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are

installed

installed and guarded as required for the high-voltage circuits of the transformers. R.S.O. 1960, c. 241, s. 472.

470.—(1) For grounding A.C. circuits, the grounding conductors shall have adequate current-carrying capacity and shall be not less than No. 8, A.W.G. R.S.O. 1960, c. 241, s. 473 (1), *amended*.
Size of circuit grounding conductor

(2) The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. R.S.O. 1960, c. 241, s. 473 (2).
Idem

471.—(1) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable, Equipment to be grounded

- (a) for all equipment over 150 volts; and
- (b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls.

(2) Grounded surfaces within five feet horizontally of the parts considered or within eight feet vertically of the floor shall be considered within reach. R.S.O. 1960, c. 241, s. 474.
Idem

472.—(1) The minimum size of grounding conductor for raceways and fixed equipment shall be not less than that provided by a copper conductor of a size indicated in the following table:
Size of equipment grounding conductor

MINIMUM SIZE OF GROUNDING CONDUCTOR FOR RACEWAYS AND EQUIPMENT

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not Exceeding—Amperes	Size of Grounding Conductor			
	Copper Wire AWG	Alum. Wire AWG	Conduit or Pipe Inch	Electrical Metallic Tubing Inch
20	16*	14*	1/2	1/2
30	14	12	1/2	1/2
40	12	10	1/2	1/2
60	10	8	1/2	1/2
100	8	6	1/2	1/2
200	6	4	1/2	1
400	4	2	3/4	1 1/4
600	2	0	3/4	1 1/4
800	0	00	1	2
1000	00	000	1	2
1200	000	0000	1	2

*Permissible only when part of an approved cable assembly.

Idem

(2) Where the grounding conductor is run outside the cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, A.W.G. R.S.O. 1960, c. 241, s. 475, *amended*.

Grounding
conductor
size for
portable
equipment

473. Flexible cord used to supply portable equipment having a rating of fifteen amperes or less at voltages not exceeding 250 volts shall have included in the cord assembly a grounding conductor whose size shall be,

(a) not smaller than No. 16, A.W.G. if uninsulated, or No. 18, A.W.G. if insulated; and

(b) at least the same size as the current-carrying conductors, except that, in cords of No. 12, A.W.G. and larger, it may be two A.W.G. sizes smaller than the other conductors. R.S.O. 1960, c. 241, s. 476, *amended*.

Means of
attachment
to circuits
and
equipment

474. The grounding conductor, bond or bonding jumper shall be attached to circuits, conduits, cabinets, equipment and the like, which are to be grounded, by means of suitable lugs, pressure connectors, clamps or other approved means. R.S.O. 1960, c. 241, s. 477, *amended*.

Material
for
grounding
conductors

475. The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions. R.S.O. 1960, c. 241, s. 478, *amended*.

Piping
system
used as
ground

476.—(1) Ground connections to metallic water or air systems shall be made beyond any point liable to disconnection.

Idem

(2) Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground electrode. R.S.O. 1960, c. 241, s. 479, *amended*.

Means of
attachment
to ground
electrode

477. The grounding conductor shall be connected to the grounding electrode by means of a substantial ground clamp or other equivalent means. R.S.O. 1960, c. 241, s. 480 (1).

Artificial
electrodes

478.—(1) Artificial ground electrodes shall consist of driven pipes, rods, buried plates or other devices acceptable for the purpose.

Idem

(2) Electrodes of iron or steel pipe shall be not less than $\frac{3}{4}$ -inch internal diameter and shall be galvanized.

(3) Rod electrodes shall be not less than $\frac{5}{8}$ -inch in diameter ^{Idem} if of iron or steel or $\frac{1}{2}$ -inch in diameter if of non-ferrous metal. R.S.O. 1960, c. 241, s. 481, *amended*.

479. The grounding system shall be connected to the body ^{Resistance of electrodes} of the earth, on the surface, through the lowest resistance earth-contact possible. R.S.O. 1960, c. 241, s. 482.

480. The earth-contact of the main grounding system and ^{Resistance measurement} supplementary earth-contacts shall be provided with means to facilitate measurement of earth-contact resistances. R.S.O. 1960, c. 241, s. 483.

WIRING METHODS

481. Conductors shall be suitable for the location, use and ^{Types of conductors} voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. R.S.O. 1960, c. 241, s. 467 (1).

482. Portable conductors supplying mobile equipment ^{Portable power conductors} operating at more than 300 volts shall conform with the following specifications:

1. The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.
2. Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
 - (a) limit fault current; and
 - (b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided.

3. All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
4. Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated, as required by paragraphs 1 and 2, for the highest potential employed in the cable, except that, where sheathing, as in paragraph 10, is provided, the control conductors need only be insulated for their normal operating voltage.

5. The minimum size of the power conductors shall be No. 12, A.W.G.
6. The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstices between the power conductors.
7. Remote control conductors contained in the cable need not be considered power conductors in determining the number of grounding conductors.
8. The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance of not less than 60 per cent of the largest power conductor.
9. The minimum size of each grounding conductor shall be not less than No. 12, A.W.G.
10. Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or the equivalent, around each power conductor, and this sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
11. Where connectors are used to attach cables to mobile equipment, the cable shall be secured in such a manner as to prevent mechanical damage.
12. Portable cable used to supply equipment in underground workings shall have an outer jacket of a material that will not support combustion and shall be continuously identified as having such a jacket. R.S.O. 1960, c. 241, s. 470, *amended*.

Guarding of
live parts

483. All exposed current-carrying parts of electrical equipment, such as bus-bars, conductors and terminals, operating at over 150 volts, shall be,

- (a) armoured;
- (b) enclosed in a suitable raceway; or
- (c) isolated by elevation or guarded. *New.*

A.C. circuits
in raceways

484. All conductors of an A.C. circuit shall be contained in the same raceway. R.S.O. 1960, c. 241, s. 467 (3), *amended*.

485. Where conductors of different systems are installed in the same raceway or armouring, each conductor shall be insulated for the highest potential employed or, in the case of a raceway, separated by a suitable barrier. *New.* Conductors of different systems in raceways or armouring

486. Conductors of different systems shall not be installed in the same box, cabinet or auxiliary gutter unless effectively separated by barriers. R.S.O. 1960, c. 241, s. 491, *amended.* Conductors of different systems in enclosures

487. Identifying barriers shall be provided between circuits where more than one set of disconnecting switches are installed adjacent to each other. R.S.O. 1960, c. 241, s. 494, *amended.* Barriers

488. Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. R.S.O. 1960, c. 241, s. 469. Connections to apparatus

PROTECTION AND CONTROL

489.—(1) The type and rating of protective and control devices shall be suitable for their use. *New.* Type and rating of protective and control devices

(2) All protective and control devices installed outdoors shall be of a design suitable for their location. R.S.O. 1960, c. 241, s. 502, *amended.* Idem

490.—(1) Each ungrounded conductor shall be protected by an overcurrent device at the point where it receives its supply of current and at each point where the size of the conductor is decreased, except that such protection may be omitted, Overcurrent devices required

(a) where the branch circuit is not more than twenty-five feet in length;

(b) where the protection for a larger conductor adequately protects a smaller; and

(c) where the opening of the circuit may cause special hazard by the interruption of service or removal of protection. R.S.O. 1960, c. 241, s. 495 (1, 4), *amended.*

(2) The rating or setting of the protective device shall not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where

the

the rating or setting of the device may be increased sufficiently to take care of motor-starting currents. R.S.O. 1960, c. 241, s. 495 (2), *amended*.

Idem

(3) Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. R.S.O. 1960, c. 241, s. 495 (3).

Enclosure
of over-
current
devices

491. Overcurrent devices shall be enclosed in cut-out boxes or cabinets unless they form a part of an approved assembly that affords equivalent protection or unless mounted on switchboards, panel-boards, or controllers located in rooms or enclosures free from easily ignitable material and dampness, and accessible only to authorized persons. R.S.O. 1960, c. 241, s. 497, *amended*.

General

492.—(1) Suitable control devices shall be inserted in all feeders and branch circuits. R.S.O. 1960, c. 241, s. 484 (1).

Idem

(2) All control devices shall be readily and safely accessible to authorized persons and shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them and shall indicate whether they are open or closed. R.S.O. 1960, c. 241, s. 503 (1), *amended*.

Rating of
control
devices

493.—(1) Control devices shall have ratings suitable for the connected load of the circuits they control and, with the exception of isolating switches, shall be capable of interrupting such loads. R.S.O. 1960, c. 241, s. 486 (1), *amended*.

Grouping
of control
devices

(2) Control devices shall be grouped where practicable. R.S.O. 1960, c. 241, s. 484 (3), *amended*.

Location of
control
devices

(3) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator. R.S.O. 1960, c. 241, s. 524.

Enclosure
of control
devices

494.—(1) Control devices, unless they are located or guarded so as to render them inaccessible to unauthorized persons and to prevent fire hazards, shall have all current-carrying parts in enclosures of metal or other fire-resisting material. R.S.O. 1960, c. 241, s. 490, *amended*.

Idem

(2) Manually-operable control devices shall be so constructed that they may be switched to the "off" position without exposing live parts.

(3) Manually-operable control devices shall clearly indicate the "on" and "off" positions. R.S.O. 1960, c. 241, s. 487 (1), *amended*.

495. Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. R.S.O. 1960, c. 241, s. 485. ^{Connection of control devices}

496. Control devices used in combination with overcurrent devices or overload devices for the control of circuits or apparatus shall be connected so that the overcurrent or overload devices will be dead when the control device is in the open position. R.S.O. 1960, c. 241, s. 489, *amended*. ^{Control devices ahead of overcurrent devices}

497.—(1) Disconnecting means of the visible-break type shall be installed on all circuits operating at over 300 volts to ground and shall be as near as practicable to the point of supply. R.S.O. 1960, c. 241, s. 493 (2), *amended*. ^{Visible-break requirement}

(2) Unless a control device on circuits over 300 volts makes a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch. R.S.O. 1960, c. 241, s. 493 (1). ^{Idem}

498.—(1) On each ungrounded utilization system over 300 volts, at least one suitable device shall be installed and maintained for the purpose of indicating ground faults. ^{Ground fault detector requirement}

(2) Such device shall be provided with, ^{Idem}

(a) short-circuit protection; and

(b) disconnecting means.

(3) If the short-circuit device does not provide for visible-break isolation, additional visible-break isolating means shall be provided. ^{Idem}

(4) When a ground fault is indicated, it shall be located and removed as soon as practicable. R.S.O. 1960, c. 241, s. 500, *amended*. ^{Idem}

499. Adequate illumination shall be provided to allow for proper operation of electrical equipment. R.S.O. 1960, c. 241, c. 521, *amended*. ^{Illumination of equipment}

500. Where electrical equipment requires an attendant, there shall be provided a separate emergency source of illumination from an independent generator, storage battery or other suitable source. R.S.O. 1960, c. 241, s. 522, *amended*. ^{Emergency illumination of equipment}

INSTALLATION OF EQUIPMENT

Working
space

501. Adequate clear working space with secure footing shall be provided about all electrical equipment. R.S.O. 1960, c. 241, s. 507, *amended*.

Transformers

General

502. Transformers shall be of a type and design suitable for the location in which they are to be installed. R.S.O. 1960, c. 241, s. 531 (1).

Nameplate
required
for
transformers

503. Each transformer shall be provided with a nameplate bearing the following markings:

1. Maker's name.
2. Rating in kva.
3. Rated full load temperature rise.
4. Primary and secondary voltage ratings.
5. Frequency in cycles per second.
6. Liquid capacity, if of the liquid-filled type.
7. Type of liquid to be used, if it is to be filled with an approved liquid that will not burn in air. R.S.O. 1960, c. 241, s. 531 (2, 3), *amended*.

Isolation
and guard-
ing of
transformers

504. Transformers having a voltage rating in excess of 750 volts and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons and, unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded, and suitable warning signs indicating the highest potential employed shall be conspicuously posted. R.S.O. 1960, c. 241, s. 532, *amended*.

Special
transformers

505.—(1) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resisting construction, shall be in a fire-resisting enclosure.

Idem

(2) Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resisting construction, if they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. R.S.O. 1960, c. 241, s. 533.

506.—(1) Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto, and means shall be provided to contain escaping oil or to direct the flow away from such buildings. ^{Liquid-filled transformers}

(2) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformer-house, shall be placed only against non-combustible walls and away from all openings. R.S.O. 1960, c. 241, s. 534 (1, 2). ^{Idem}

(3) Transformer buildings containing oil-filled transformers, if not entirely of fire-resisting construction, shall be located at least fifty feet distant from any other combustible building. R.S.O. 1960, c. 241, s. 535, *amended*. ^{Idem}

(4) Oil-filled transformers, if within a building other than a transformer-house, shall be in a vault. R.S.O. 1960, c. 241, s. 534 (3), *amended*. ^{Idem}

(5) Transformers having their cores immersed in a liquid that will not burn in air may be installed without a vault if, ^{Idem}

(a) the transformer is protected from mechanical damage either by location or guarding;

(b) a pressure relief vent is provided where the rating exceeds 25 kva at 25 cycles or $37\frac{1}{2}$ kva at 60 cycles; and

(c) a means of absorbing gases generated by arcing inside the case, or a pressure relief vent connected to outdoors, is provided where the transformer is installed in a poorly-ventilated section. *New*.

507.—(1) When primaries are above 750 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact with persons, shall be in permanently-grounded conduit or armour. R.S.O. 1960, c. 241, s. 539, *amended*. ^{Instrument transformers}

(2) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from the circuits without opening the circuits. R.S.O. 1960, c. 241, s. 538. ^{Idem}

508. Each transformer or each bank of transformers operating as a unit shall have overcurrent protection. R.S.O. 1960, c. 241, s. 537, *amended*. ^{Overcurrent protection for transformers}

Control and protection requirements 509.—(1) Control and protective devices, complying with one of the following, shall be installed for all power and distribution transformers:

1. Circuit-breakers of adequate interrupting capacity and rating.
2. Fuses of adequate rating and interrupting capacity preceded by suitable group-operated visible-break load-interrupting devices capable of making and interrupting their full load rating and that may be closed with safety to the operator with a fault on the system.
3. Fuses of adequate rating and interrupting capacity preceded by a group-operated visible-break air-break switch capable of interrupting the magnetizing current of the transformer installation and that may be closed with safety to the operator with a fault on the system and so interlocked with the transformer secondary load interrupters as to prevent its operation under load.

Idem (2) Where the transformer rating does not exceed 100 kva per phase and the potential between phases does not exceed 7,200 volts, a single-pole disconnecting fuse of adequate interrupting capacity may be used on the primary. R.S.O. 1960, c. 241, s. 536, *amended*.

Switchboards and Switchgear

General 510. Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework. R.S.O. 1960, c. 241, s. 523.

Illumination of switchboards 511. Adequate illumination shall be provided for reading instruments and other operations. R.S.O. 1960, c. 241, s. 526.

Location of switchgear 512. Switchgear, if not of the dead-front or enclosed type, and live parts on the rear of dead-front switchboards shall be inaccessible to unauthorized persons. R.S.O. 1960, c. 241, s. 528, *amended*.

Clearance back of switchboard 513.—(1) There shall be a space of not less than three feet between equipment on the back of a fixed switchboard and the nearest adjacent wall when such equipment is less than seven feet from the floor.

Ingress and egress (2) Ready means for ingress and egress to the space behind the switchboard shall be provided.

(3) Doors or gates of suitable material may be provided ^{Doors, etc.} at such points for guarding-purposes but they shall be capable of being readily opened from the inside without the use of a key or tool.

(4) The space behind the switchboard shall be kept clear ^{Space to be kept clear} of foreign material and shall not be used for storage purposes. R.S.O. 1960, c. 241, s. 525, *amended*.

Transmission Lines

514. All electrical supply lines and equipment shall be of ^{General} suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable. R.S.O. 1960, c. 241, s. 540.

515. Conductors and other current-carrying parts of supply ^{Isolation and guarding} lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of person. R.S.O. 1960, c. 241, s. 541.

516. Where conductors over 300 volts are attached to any ^{Entrance to buildings} building for entrance, they shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 542, *amended*.

517.—(1) Supply lines carried over railways operated by ^{Clearance over railways} steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and the clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada.

(2) Supply lines crossing over railways on which standard ^{Idem} equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. R.S.O. 1960, c. 241, s. 543.

Storage batteries

518. Storage batteries shall be kept in inaccessible battery ^{Location of storage batteries} rooms or enclosures used for no other purpose where,

(a) the aggregate capacity at the eight-hour discharge rate exceeds five kilowatt hours; and

(b) the batteries are in unsealed jars or tanks. R.S.O. 1960, c. 241, s. 570, *amended*.

Ventilation
of
battery
rooms

519.—(1) Storage battery rooms shall be thoroughly ventilated.

Idem

(2) Adequate means shall be provided for sufficient diffusion and ventilation of the gases from the battery to prevent the accumulation of an explosive mixture. R.S.O. 1960, c. 241, s. 571, *amended*.

Lightning Arresters

Indoor
installation
of lightning
arresters

520. Where lightning arresters are installed in a building, they shall be located well away from all equipment, other than that which they protect, and from passageways and combustible parts of buildings. R.S.O. 1960, c. 241, s. 556, *amended*.

Location
of lightning
arresters

521. Lightning arresters installed for the protection of utilization equipment,

(a) may be installed either inside or outside the building or enclosure containing the equipment to be protected; and

(b) shall be isolated by elevation or guarded. R.S.O. 1960, c. 241, s. 558, *amended*.

Grounding

522.—(1) All non-current-carrying parts of lightning arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected. R.S.O. 1960, c. 241, s. 557.

Idem

(2) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. R.S.O. 1960, c. 241, s. 560.

Idem

(3) In no case shall such grounding conductors be less than No. 6 copper wire, nor shall such grounding conductors pass through metal conduits unless electrically connected to both ends of the conduits. R.S.O. 1960, c. 241, s. 561.

Motors

Control
required

523.—(1) All motors shall be provided with proper starting equipment rated in horsepower and, for all motors up to 50 horsepower, except as provided for below, the motor and its starting equipment shall be controlled by a motor-circuit switch that will disconnect all ungrounded conductors of the circuit, leaving the motor and entire starting equipment dead.

(2)

(2) An isolating switch or a general-use switch treated as an *Idem* isolating switch may be used for motors of more than 50 horsepower. R.S.O. 1960, c. 241, s. 508.

524.—(1) For all motors up to 750 volts, the motor-circuit switch shall have a horsepower rating not less than that of the motor it controls. ^{Rating of control}

(2) Where a general-use switch or an isolating switch is *Idem* used for motors of more than 50 horsepower, it shall have a rating not less than 115 per cent of the current rating of the motor as shown on the nameplate and a minimum rating of 200 amperes. R.S.O. 1960, c. 241, s. 509.

525. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type. ^{Visible-break requirement} R.S.O. 1960, c. 241, s. 510.

526. One motor-circuit switch may serve a group of motors if the motors drive several parts of a single machine or apparatus. ^{Single disconnecting means for a group of motors} R.S.O. 1960, c. 241, s. 511.

527. Manually-operated motor starters of the compensator type, having both a starting and running position, shall be so designed that they cannot remain in the starting position. ^{Starters having different starting and running position} R.S.O. 1960, c. 241, s. 513.

528. Motors shall be disconnected from the source of supply in case of low voltage by one of the following means unless it is evident that no hazard will be incurred through the lack of such disconnection: ^{Under-voltage protection required}

1. Where automatic re-starting is liable to create a hazard, the motor control device shall provide low-voltage protection.
2. Where it is necessary or desirable that a motor stop on failure or reduction of voltage and automatically re-start on return of voltage, the motor control device shall provide low-voltage release. R.S.O. 1960, c. 241, s. 514, *amended*.

529. Each motor shall be suitably protected against continuous overload. ^{Overload protection required} R.S.O. 1960, c. 241, s. 515, *amended*.

CRANES

530.—(1) Crane collector wires shall be isolated by elevation and, where necessary, guarded. ^{Guarding and isolation} *New*.

(2)

Disconnect-
ing means

(2) Suitable means that will disconnect, under load, all ungrounded conductors of the circuit supplying a crane, as defined in subsection 1 of section 401, shall be,

- (a) provided within sight of the main contact conductors or within sight of the equipment if there are no main contact conductors; and
- (b) accessible and operable from the ground or the floor over which the equipment operates. R.S.O. 1960, c. 241, s. 568, *amended*.

Switch
required
in cab

531. A circuit-breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the crane collector wires. R.S.O. 1960, c. 241, s. 569, *amended*.

TROLLEY WIRES

Guarding
and isolation

532. Trolley lines shall be isolated by elevation and, where necessary, guarded. R.S.O. 1960, c. 241, s. 573, *amended*.

Require-
ments for
trolley lines
underground

533. In underground workings, trolley lines shall,

- (a) be isolated by an elevation of not less than six feet;
- (b) operate at a potential not exceeding 300 volts to ground;
- (c) be effectively guarded. R.S.O. 1960, c. 241, s. 574, *amended*.

LIGHTING

Maximum
operating
voltage

534. The operating voltage of a lighting circuit shall not exceed 300 volts and the voltage to ground of a conductor shall not exceed 150 volts, but this section does not apply in the case of electric locomotives and cranes using direct current. R.S.O. 1960, c. 241, s. 564.

Neutral
identification

535. The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. R.S.O. 1960, c. 241, s. 565.

Portable
hand lamps

536. Portable lamps shall have their sockets enclosed in suitably-insulated handles through which the conductors shall be carried and shall have a protective cage that encloses the lamp. R.S.O. 1960, c. 241, s. 563 (1), *amended*.

WIRING IN EXPLOSIVES AND BLASTING AGENTS STORAGES

537. All electrical wiring in explosives or blasting agents ^{General} magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed water-tight joints or shall be armoured, moisture-proof cable. R.S.O. 1960, c. 241, s. 544, *amended*.

538. All conduit, armour, fittings and fixtures shall be ^{Grounding} permanently grounded. R.S.O. 1960, s. 241, s. 545.

539. The switches and fuses for lighting, heating or tele- ^{Location of control and protection} phone circuits for explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resisting cabinet located outside the compartment in which explosives, blasting agents, fuses or detonators, or blasting caps, are stored. R.S.O. 1960, c. 241, s. 546, *amended*.

540. Lighting fixtures shall be of an approved dust-tight ^{Type of lighting fixtures required} type. R.S.O. 1960, c. 241, s. 548.

541. Lighting circuits shall be fused at not more than ^{Fusing of lighting circuits} 10 amperes. R.S.O. 1960, c. 241, s. 547.

542. Circuits supplying power to explosives or blasting ^{Lightning protection} agents storages shall be protected against lightning surges. *New.*

543. Where explosives or blasting agents magazines or cap ^{Type of heating required} and fuse houses are heated electrically, a closed, liquid system shall be used. R.S.O. 1960, c. 241, s. 549, *amended*.

544. The electric heater shall be installed outside the com- ^{Location of heater} partment in which the explosives or blasting agents are stored, and the heater and radiators shall be grounded. R.S.O. 1960, c. 241, s. 550, *amended*.

545. Heater circuits shall be fused at not more than ^{Fusing of heater circuits} 125 per cent of normal current. R.S.O. 1960, c. 241, s. 551.

ELECTRIC BLASTING DEVICES

546. The firing device used for firing charges with elec- ^{Construction} tricity from lighting or power cables shall be so arranged that,

- (a) the switch mechanism will automatically return by gravity to the open position;

(b)

- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
- (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for blasting, the device shall be electro-magnetically operated, except as provided in section 254. R.S.O. 1960, c. 241, s. 553.

Precautions
re instal-
lation of
blasting
cables

547. When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables. R.S.O. 1960, c. 241, s. 554.

Circuits
not to be
grounded

548. Circuits having a grounded conductor shall not be used for blasting. R.S.O. 1960, c. 241, s. 555.

ELECTRIC HOISTS

General

549. Sections 550 to 575 apply to all electric hoists regardless of the method of operation. *New.*

Braking

550.—(1) For each electric hoist, protective devices shall be provided, which, in conjunction with the mechanical braking system, shall be capable of bringing a conveyance or counterbalance safely to rest under all conditions of authorized loading, direction of travel and speed without assistance from the drive.

Idem

(2) Where supplementary electrical braking is employed, at least the same degree of safety shall be supplied. R.S.O. 1960, c. 241, s. 575, *part, amended.*

Safety
requirement

551. Except where otherwise specified, current-carrying parts of any safety device shall be so designed, installed and maintained that the failure of any such part will initiate emergency braking action to bring the hoist safely to rest. R.S.O. 1960, c. 241, s. 575, *part, amended.*

552. Devices shall be installed in each hoisting compartment that, in the event of an overwound conveyance or counterbalance, shall be operated directly by the conveyance or counterbalance to initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage. R.S.O. 1960, c. 241, s. 575, *part, amended*. Track limits required for overwind protection

553. Devices shall be installed for each hoisting compartment that, in the event of an underwound conveyance or counterbalance, shall initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. R.S.O. 1960, c. 241, s. 575, *part, amended*. Underwind protection required

554. Devices, driven from the operating drum or drums, shall be installed, where the hoist operates at a rope speed of 750 feet per minute or greater, that, in the event of an overwound or underwound conveyance or counterbalance, will initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments meet any obstruction to its free passage, except that, in the case of shaft sinking, inspection and maintenance, the protection for an underwound conveyance or counterbalance may be dispensed with. R.S.O. 1960, c. 241, s. 575, *part, amended*. Overwind and underwind requirements for high-speed hoists

555. Each electric hoist shall have installed a device that will initiate an emergency stop and bring the conveyance or counterbalance to rest safely should the rope speed exceed the authorized maximum by a predetermined amount. R.S.O. 1960, c. 241, s. 575, *part, amended*. Overspeed

556. Devices, driven from the operating drum or drums, shall be installed where the hoist operates at a rope speed of 750 feet per minute or greater, that will enforce any necessary reduction in speed as the conveyance approaches the end of travel. R.S.O. 1960, c. 241, s. 575, *part, amended*. Enforced slowdown

557. No person shall alter the adjustment of any protective device without proper authority. R.S.O. 1960, c. 241, s. 575, *part, amended*. Adjustment of protective devices

558.—(1) Where ore or waste dumps, loading boxes or spill-doors are installed in a shaft or winze at points other than the upper and lower limits of normal travel of a conveyance Intermediate obstructions

and

and where any part of such dump box or door interferes with the free passage of a conveyance, there shall be installed,

- (a) travel-limiting devices;
- (b) travel-limiting devices as required by section 554, where required;
- (c) enforced slow-down devices as required by section 556, where applicable;
- (d) positive locking devices for maintaining such obstructions out of the operating position in the shaft or winze.

Idem (2) The manager, or his agent, of a mine employing such an intermediate obstruction shall provide a procedure to be followed to ensure the safe operation of the installation.

Idem (3) Before such an installation is made, plans and procedure shall be submitted to the chief engineer for approval. R.S.O. 1960, c. 241, s. 575, *part, amended*.

Protection
required
for hoist
electrical
system

559. Emergency braking action shall be initiated to bring a conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage in the event of,

- (a) the failure of the power supply to the hoist electric system;
- (b) an overload on the hoist-drive motors of a magnitude and duration exceeding what would be considered an operating overload; or
- (c) a short-circuit on the hoist electric system. R.S.O. 1960, c. 241, s. 576, *amended*.

Backout 560.—(1) Every electric hoist shall have installed a device to enable a conveyance or counterbalance to be removed from an overwound or underwound position.

Idem (2) Every such device shall be manually operable only. R.S.O. 1960, c. 241, s. 577, *amended*.

Emergency
switch

561. A manually-operable switch shall be installed for each electric hoist within reach of the manual controls that will, when operated, initiate emergency braking action to bring the conveyance or counterbalance safely to rest. R.S.O. 1960, c. 241, s. 579, *amended*.

562. An underwind by-pass switch may be installed, where necessary, that will allow the conveyance to be lowered through the underwind position if it is held in the closed position by the hoistman and will return automatically to the open position when not so held. R.S.O. 1960, c. 241, s. 578. ^{Underwind by-pass switch}

563. Each electric hoist shall have installed, within plain view of the manual controls, a meter that will indicate, at all times, the hoist motor load. R.S.O. 1960, c. 241, s. 580, *amended*. ^{Load meter required}

564.—(1) Where men are transported in skips or the skips of skip-cage assemblies, there shall be installed a device that will prevent the conveyance, carrying the men, from entering the dumping position. ^{Man-safety requirements}

(2) Except in shaft sinking, such device shall be so installed that, when it is put into operation, a distinctive signal will be given, automatically, to men about to enter the conveyance. ^{Idem}

(3) Such device is not required on electric hoists where men are hoisted for shaft inspection or maintenance operations only. ^{Idem}

(4) Such device shall be put into operation, either manually or automatically, when men are transported. ^{Idem}

(5) In those cases where the device is automatically put into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative. R.S.O. 1960, c. 241, s. 581, *amended*. ^{Idem}

565. Each electric hoist shall have installed a device whereby the hoistman is warned, audibly, that a conveyance or counterbalance is about to enter the region where a reduction in speed is necessary for safe manual braking. R.S.O. 1960, c. 241, s. 582 (1), *amended*. ^{Approach warning signal}

566. Sections 567 to 575 apply to all electric hoists that may be operated automatically. *New*. ^{Automatic hoists}

567.—(1) Every electric hoist shall have installed, only in the same location as the manual controls, a device for the change-over from manual to automatic control. ^{Selection of manual or automatic control}

(2) Such device shall be operated by authorized personnel only. *New*. ^{Idem}

Level or
cage control

568. Where an electric hoist is designed to be operated from control stations on the levels or from a control station on the conveyance, any device used to effect the changeover of control shall be operable only at the level at which a conveyance is stopped. *New.*

Operation
of level-
installed
controls

569.—(1) Devices installed on the levels for the purpose of selecting the conveyance's destination and for initiating hoist motion shall be operable only when the conveyance is stopped at that level, except where the installation has been approved for call operation.

Idem

(2) There shall be a minimum delay of five seconds between the operation of the level control device used to initiate hoist motion and the actual motion when men are being handled.

Idem

(3) The level control device used to initiate hoist motion shall be so located that it may be operated by someone in the conveyance stopped at that level.

Idem

(4) Devices installed on the levels for the purpose of initiating hoist motion shall, except for jogging, be operable only when the shaft gate at the level at which the conveyance is stopped is in the closed position. *New.*

Operation
of cage-
installed
control

570.—(1) Devices installed in a conveyance for the purpose of controlling hoist motion shall, except for jogging, be operable only when the cage door is in the closed position.

Idem

(2) Where devices are installed in a conveyance for the purpose of controlling hoist motion, one of the devices shall be capable of initiating emergency braking action to bring the conveyance safely to rest. *New.*

Friction
hoists

571. Sections 572 to 575 apply to all electric friction hoists. *New.*

Jammed
conveyance
device

572. Each electric friction hoist shall have installed a device that will initiate emergency braking action to bring the drum to rest in the event of the occurrence of slip between the hoisting rope or ropes and the hoist drum, such as might occur with a conveyance or counterbalance jammed in the shaft or caught at the end of travel. *New.*

Synchro-
nizing
device

573. Where creep or slip may alter the effective position of safety devices, a means of synchronizing the safety devices with the position of the conveyance in the shaft shall be provided. *New.*

574. If the electrical engineer deems it necessary, he may, ^{Special testing} after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all electric overwind and underwind devices, signalling and warning devices and hoisting controls and equipment. R.S.O. 1960, c. 241, s. 583.

575.—(1) The owner or manager of a mine where an electric hoist is in use shall depute some competent person or persons ^{Electrical Hoisting Equipment Record Book} whose duty it is to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment.

(2) The report of such examination shall be recorded as ^{Idem} provided in subsection 3.

(3) The owner or manager shall keep or cause to be kept ^{Idem} at the mine for each hoist a book called the Electrical Hoisting Equipment Record Book in which shall be recorded a report of every such examination and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination.

(4) Such entries of the weekly examination shall be read ^{Idem} and signed every week by the person in charge of such equipment or accessories thereto.

(5) A notation of the action taken regarding the report ^{Idem} of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the person in charge of such equipment or accessories thereto.

(6) The Electrical Hoisting Equipment Record Book shall ^{Idem} be made available to the engineer at all times. R.S.O. 1960, c. 241, s. 584.

UNDERGROUND INSTALLATIONS

576. The provisions of this Part that apply to surface ^{General} installations apply equally to underground installations, except sections 577 to 594, which apply only to underground installations. R.S.O. 1960, c. 241, s. 585.

577.—(1) Where electrical energy is taken underground, ^{Control of underground feeders} provision shall be made so that the current may be cut off on the surface. R.S.O. 1960, c. 241, s. 588 (1).

(2) The control device shall be accessible to authorized ^{Idem} persons only. R.S.O. 1960, c. 241, s. 588 (2), *amended*.

Wiring
methods

578.—(1) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured or have non-flammable jackets and be adequately supported. R.S.O. 1960, c. 241, s. 592 (1), *amended*.

Idem

(2) All fixed conductors transmitting power underground at over 150 volts to ground shall be armoured or enclosed in standard conduit and substantially supported. R.S.O. 1960, c. 241, s. 592 (2).

Idem

(3) Open-type wiring shall not be used except in cases of extreme emergency. R.S.O. 1960, c. 241, s. 592 (3), *amended*.

Cable test
required

579. All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the chief engineer. R.S.O. 1960, c. 241, s. 595.

Cable
rating

580.—(1) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage. R.S.O. 1960, c. 241, s. 596 (1).

Idem

(2) Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,

(a) limit fault current; and

(b) limit the possible rise of fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided. R.S.O. 1960, c. 241, s. 596 (2), *amended*.

Bonding
requirements

581. The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 593.

Adequate
grounding
for
equipment

582. Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. R.S.O. 1960, c. 241, s. 594.

583. Suitable terminating facilities shall be provided to protect cables from harm due to moisture or mechanical damage. R.S.O. 1960, c. 241, s. 597, *amended*. Terminating facilities

584. Junction boxes on a cable transmitting power at a potential exceeding 300 volts shall not be located in a shaft or winze or attached to any timbers at a shaft or winze station or headframe. R.S.O. 1960, c. 241, s. 600. Location of junction boxes

585. Splices shall not be made in shaft or winze conductors unless approved by the electrical engineer. R.S.O. 1960, c. 241, s. 601, *amended*. Approval of splices

586. Adequate precautions shall be taken to prevent signal and telephone cables from coming into contact with other electric systems. R.S.O. 1960, c. 241, s. 598, *amended*. Protection of signal and telephone cables

587. The operating voltage on signal systems shall not exceed 150 volts to ground. R.S.O. 1960, c. 241, s. 589. Maximum voltage of signal system

588.—(1) One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts. Grounding of signal system

(2) The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, if an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system. R.S.O. 1960, c. 241, s. 590. Idem

589. Where an electrical hoisting-signal system is installed at a shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sounds of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. R.S.O. 1960, c. 241, s. 591. Separate signal for each conveyance

590. The type and location of transformers installed underground are subject to the approval of the electrical engineer. R.S.O. 1960, c. 241, s. 602. Transformers, type and location

591.—(1) All transformers over 2 kva, unless insulated with non-flammable dielectric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resisting materials throughout and a door sill of not less than six inches in height shall be provided. Transformers and transformer rooms

Idem (2) No material or equipment of any kind, including air lines, air ducts, water and steam lines, shall pass through or terminate within the room, other than that essential to the transformer installation for its proper operation and safety.

Idem (3) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity, and the door shall be constructed of steel or other suitable material.

Idem (4) No transformer station shall be located within 200 feet of an explosives or blasting agents storage. R.S.O. 1960, c. 241, s. 603.

Fire prevention underground 592.—(1) The supports for electric motors, transformers, control and protective equipment and other electric apparatus and the compartments in which they are installed shall be of such material and constructed in such a manner as to reduce the fire hazard to a minimum. R.S.O. 1960, c. 241, s. 586 (1), *amended*.

Idem (2) No flammable material shall be stored or placed in the same compartment with any such equipment or apparatus. R.S.O. 1960, c. 241, s. 586 (2)

Electric heaters 593. Where lamps or heating units are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard. R.S.O. 1960, c. 241, s. 604, *amended*.

Fire extinguishing devices 594.—(1) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use.

Idem (2) They shall be conveniently mounted at or in every place containing electrical apparatus having flammable insulation or parts that, once ignited, may support combustion. R.S.O. 1960, c. 241, s. 587.

GENERAL

Wilful damage to property 595. No person shall wilfully damage or, without proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, electrical equipment, fire-fighting equipment, first-aid equipment or other appliance or thing provided in a mine in compliance with this Act. R.S.O. 1960, c. 241, s. 605.

Persons under the influence of or carrying liquor 596. No person under the influence of or carrying intoxicating liquor shall enter a mine or be in the proximity of a working place on the surface or near machinery in motion. R.S.O. 1960, c. 241, s. 606.

597. Abstracts of the provisions of this Act, authorized by the chief engineer, shall be posted up in suitable places at the mine or works where they can be conveniently read, and the owner or agent of the mine shall maintain such abstracts duly posted, and the removal or destruction of any of them is an offence against this Act. R.S.O. 1960, c. 241, s. 607.

598. The Minister may prescribe the charge to be made for any record or log book required under this Part. R.S.O. 1960, c. 241, s. 608.

TESTING LABORATORIES

599. The Minister may, out of the moneys that are appropriated for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used in or about a mine and, by regulations made by the Lieutenant Governor in Council, may provide for,

- (a) the management and operation of such laboratory or laboratories;
- (b) the charges to be paid for services performed in such laboratory or laboratories;
- (c) such other purposes as the Lieutenant Governor in Council deems proper. R.S.O. 1960, c. 241, s. 609.

PARTY WALLS

600.—(1) Subject to section 197 and except by agreement under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured from the perpendicular to the boundary,

- (a) except that, for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary; and
- (b) except that exploratory diamond drilling may be done.

(2) Subsection 1 does not apply to operations at sand, gravel or clay pits or open-cast rock quarries.

Agreement
by adjoining
owners

(3) Adjoining owners may, by agreement in writing signed by them, carry on mining operations within the distances from the property boundary mentioned in subsection 1.

Certified
copies to
Minister

(4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister. R.S.O. 1960, c. 241, s. 610.

Disagree-
ment on
boundary
operations

601.—(1) Where adjoining owners are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1 of section 600, application may be made to the Minister by either owner requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of
committee

(3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of
committee

(4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of
Minister

(5) Upon receipt of the report of the committee, the Minister may issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners. R.S.O. 1960, c. 241, s. 611.

Suspected
breach or
trespass of
party wall

602.—(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof.

Appoint-
ment of
committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are

competent

competent to conduct such examination of the party wall as may be necessary.

(3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister. ^{Duty of committee}

(4) Upon completion of the examination, the committee shall forthwith submit a report of its findings in writing to the Minister. ^{Report of committee}

(5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners. ^{Costs}

(6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water from flowing into the mine of the owner complaining of the breach. ^{Breach of party wall}

(7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect from damage the mine of the owner complaining of the breach and his employees and agents from danger from accumulations of water in the mine of the offending owner. R.S.O. 1960, c. 241, s. 612. ^{Minister may authorize entry}

603. For good cause shown and upon such terms as seem just, the Minister may vary or rescind an order made under section 601 or 602. R.S.O. 1960, c. 241, s. 613. ^{Minister may vary or rescind order}

BRINE WELLS

604.—(1) In this section,

<sup>Interpre-
tation</sup>

(a) "brine well" means a hole or opening in the ground for use in brining;

(b) "brining" means the extraction of salt in solution by any method.

Permit to
bore or
drill a
brine well

(2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the Minister upon application therefor in the prescribed form.

Permits
not issued

(3) A permit shall not be issued,

(a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or

(b) where the proposed brine well is nearer the boundary of such property than 500 feet.

Location of
brine well

(4) The chief engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Condition
of permit

(5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit.

Time for
issuance
of permit

(6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the Minister of the applicant's consent thereto.

Log of
drilling
operations

(7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months.

Protection
of water
horizons

(8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection
of deposits

(9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard
of casing
and equip-
ment

(10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

(11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will, ^{Plugging of abandoned wells}

(a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and

(b) retain water and brine in their original formations.

(12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form. ^{Report of proposed plugging}

(13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. ^{Record of plugging operations} R.S.O. 1960, c. 241, s. 614.

NOTICE OF NON-FATAL ACCIDENTS

605. Where, in or about a mine, metallurgical works, quarry, or a sand, clay or gravel pit, an accident occurs that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for work for at least five days, to a person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the engineer resident in that part of Ontario in which the mine, works, quarry or pit is situate on the form prescribed for such purpose. R.S.O. 1960, c. 241, s. 615. ^{Notice of accident}

NOTICE OF SPECIAL OCCURRENCES

606.—(1) Where in or about a mine,

Idem

(a) an accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;

(b) an explosion or fire involving an air compressor, air receiver or compressed air line;

(c) an inrush of water from old workings or otherwise;

(d) a failure of an underground dam or bulkhead, as defined by subsection 1 of section 202;

(e)

- (e) an outbreak of fire below ground or an outbreak of fire above ground if it endangers any structure of the mine plant;
- (f) a premature or unexpected explosion or ignition of explosives or blasting agents;
- (g) an asphyxiation effecting a partial or total loss of physical control;
- (h) a flammable gas in the mine workings; or
- (i) an unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the occurrence, send notice in writing in duplicate to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the engineer requires.

Notice of
occurrence
of fire and
need of
rescue
equipment

(2) Where in or about a mine an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue stations are required, the owner, agent, manager or superintendent shall immediately notify the rescue station superintendent and the district engineer resident in that part of Ontario in which the mine is situate.

Rockburst

(3) Where a rockburst occurs, whether or not loss of life or personal injury is caused thereby, and its location is determined as being within the workings of a mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of the burst has been determined, send notice in writing to the district engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars with respect thereto as the engineer requires.

Record of
rockbursts

(4) A record of the occurrence of all rockbursts at a mine shall be kept, showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst, and such record shall be available to the engineer at all times. R.S.O. 1960, c. 241, s. 616.

OTHER NOTICES AND INFORMATION

607.—(1) The owner or agent shall give or cause the manager or superintendent of a mine to give written notice to the chief engineer and to the district engineer resident in that part of Ontario in which the mine is situate,

Written
notice by
owner or
agent

- (a) of the intended installation of a mine hoisting plant, power plant or treatment plant under the jurisdiction of the Department and the name and address of the person in charge of the operation, at least fourteen days prior to the commencement of work on such installation, and the notice shall also give the lot, concession and township or claim numbers on which operations are to commence and the specifications and layout of the plant;
- (b) of the connection or reconnection of any mining electrical equipment with a source of electrical energy controlled by any other person, at least fourteen days prior to the connection or reconnection;
- (c) of the commencement or resumption, after an interruption of one month or more, of mining operations, within fourteen days after the commencement or resumption; and
- (d) of the closing down of the mine and that,
 - (i) the requirements of subsection 1 of section 168 as to the fencing of the top of the shaft, entrances from the surface, pits and openings,
 - (ii) the requirements of section 225 as to the disposal of explosives and blasting agents,
 - (iii) the requirements of section 374 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes,
 - (iv) the requirements of section 456 as to the disconnection of the supply station from the power source and notification of same to the chief engineer, and
 - (v) the requirements of subsections 7 and 8 of section 609 as to the filing of plans and sections,

have been complied with within fourteen days of the closing down.

Information
for engineer

(2) The owner, manager or superintendent of a mine shall furnish to the engineer resident in that part of Ontario in which the mine is situate all information that the engineer requires for the purposes of his returns. R.S.O. 1960, c. 241, s. 617.

STATISTICAL RETURNS

Statistical
returns

608.—(1) For the purpose of their tabulation under the instructions of the Minister, the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes.

Monthly or
quarterly
returns

(2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Offence

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. R.S.O. 1960, c. 241, s. 618.

MINE PLANS

Plans to
be kept

609.—(1) At every mine, the owner or manager shall cause the following plans on a scale acceptable to the chief engineer to be kept up to a date not more than six months last past:

1. A surface plan showing the boundaries of the property, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, shaft openings, adits, open surface workings, diamond-drill holes, outcroppings of rock, and dumps and tailing-disposal sites.
2. Underground plans of each level and section showing all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads, and each level plan shall be shown on a separate drawing.

3. Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bed-rock, surface of the overburden and the bottom and surface of any known watercourse or body of water, and each section shall be shown on a separate drawing.
4. Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings, and connections with adjacent mines.

(2) The owner or manager of every mine in which electricity ^{Idem} is used underground shall keep or cause to be kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:

1. The position of all fixed electrical apparatus in the mine.
2. The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.
3. The rating of all electrical feeder control apparatus and equipment.

(3) Such plans or diagrams shall be available to the engineer ^{Idem} at all times and copies of the plans or diagrams shall be furnished him upon request.

(4) On any examination or inspection of a mine, the owner, ^{Marking subsequent progress on plan} manager or superintendent shall, if required, produce to the engineer or other person authorized by the Minister or the Deputy Minister all plans and sections of the workings referred to in subsections 1, 2 and 3.

(5) The owner, manager or superintendent shall, if required ^{Idem} by the engineer or other person authorized by the Minister or Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

(6) Certified copies of the plans required by paragraph 2 of subsection 1 and mine sections showing all shafts as required by paragraph 3 of subsection 1 shall be made and filed in the Department on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding. ^{Plan of working mines to be filed}

Plans to
be filed
before
abandon-
ment

(7) Before a mine or a part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections referred to in paragraphs 2 and 3 of subsection 1 shall be brought up to date and a certified copy filed in the Department.

Idem

(8) Before work at a mine ceases, the surface plan referred to in paragraph 1 of subsection 1 showing all openings to underground workings shall be brought up to date and a certified copy filed in the Department.

Responsi-
bility of
owner

(9) The owner of every mine, quarry or other works to which this section applies is responsible for compliance with the provisions thereof, and every owner or other person who fails to comply with any of the provisions of this section, or who produces to an engineer or other authorized person, or files or causes to be produced or filed, a plan that to his knowledge is false in any particular is guilty of an offence against this Act.

Plans to be
treated as
confidential

(10) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited, nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. R.S.O. 1960, c. 241, s. 619.

POWERS AND DUTIES OF ENGINEERS

Powers of
engineer

610.—(1) It is the duty of the engineer and he has power,

- (a) to make such examination and inquiry as he deems necessary to ascertain whether this Act is complied with, and to give notice to the owner or agent in writing of any particulars in which he considers the mine or any part thereof, or any matter, thing or practice, to be dangerous or defective or contrary to this Act, and to require the same to be remedied within the time named in the notice;
- (b) to enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or part thereof that he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and

(d)

- (d) to exercise such other powers as he deems necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, and metallurgical and mining works.

(2) It is the duty of the engineer to make a report of every examination and inquiry made in the course of his duty during the year to the Minister, the Deputy Minister or the chief engineer, as required by the circumstances, immediately upon the completion of the examination or inquiry. R.S.O. 1960, c. 241, s. 620. ^{Reports of engineer}

611.—(1) The Minister may direct an engineer to make a special report with respect to any accident in or about a mine that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine. ^{Special report}

(2) In conducting the inquiry, the engineer has power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. R.S.O. 1960, c. 241, s. 621. ^{Engineer may take evidence}

612.—(1) Non-compliance with a written order of the engineer issued in accordance with section 610 shall be deemed an offence against this Part. ^{Offence}

(2) Failure to give written notice of the completion of any work in accordance with a written order of the engineer issued under section 610 shall be deemed an offence against this Part. R.S.O. 1960, c. 241, s. 622. ^{Idem}

PART X

REFINERY PROVISIONS

613. In this Part, "refinery" means apparatus or equipment that may be used for the refining, retorting, smelting, assaying or treating by any other method of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 623. ^{Interpretation}

614. No person shall own, operate, use or have a refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery licence has been granted in respect of such refinery, except that no refinery licence shall be required in respect of a refinery for which a certificate of exemption has been issued. R.S.O. 1960, c. 241, s. 624. ^{Refinery licence}

Powers of
Minister as
to refinery
licences

615.—(1) The Minister may,

- (a) issue and renew refinery licences and certificates of exemption;
- (b) refuse to issue or renew a refinery licence or certificate of exemption, or suspend, cancel or revoke a refinery licence or certificate of exemption for any reason that he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licences, certificates of exemption, applications therefor and renewals thereof; and
- (d) prescribe the fee payable upon the issue and renewal of refinery licences and certificates of exemption.

Term of
licence and
certificate
of exemption

(2) Every refinery licence and certificate of exemption expires on the 31st day of March next following the issue thereof and every renewal of a refinery licence or certificate of exemption expires on the 31st day of March next following the expiration of the refinery licence or certificate of exemption or the last renewal thereof. R.S.O. 1960, c. 241, s. 625.

Certificate
of exemption

616.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that the refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

Use of
refinery

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit the refinery to be operated or used nor shall he or any other person operate or use the refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1960, c. 241, s. 626.

Offence

617. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. R.S.O. 1960, c. 241, s. 627.

Application
of Part

618. This Part applies notwithstanding that the owner or operator of a refinery is the holder of a licence issued under any Act. R.S.O. 1960, c. 241, s. 628.

619. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 241, s. 629.

PART XI

OFFENCES, PENALTIES AND PROSECUTIONS

620.—(1) Every person who,

Offences

- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;
- (b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;
- (c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act;
- (d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner or agent of a mine;
- (e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;
- (f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;
- (g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;

(h)

- (h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;
- (i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;
- (j) wilfully makes any material change in the wording or numbering of a miner's licence after its issue; or
- (k) attempts to do any of the acts mentioned in the foregoing clauses,

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues.

False statements

(2) Every person who knowingly makes a false statement in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1960, c. 241, s. 630.

Smelters

621.—(1) No person shall construct or cause to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council.

Offence

(2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals, without the approval of the Lieutenant Governor in Council, and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. R.S.O. 1960, c. 241, s. 631.

Disobeying order or award of Commissioner

622. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. R.S.O. 1960, c. 241, s. 632.

623.—(1) No person who,

Use of word
"Bureau"
prohibited

- (a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or
- (b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or
- (c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. R.S.O. 1960, c. 241, s. 633.

624.—(1) An owner, agent or other person who contravenes any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000.

Penalty
for offence
against
Part IX

(2) Where the Deputy Minister or an engineer has given written notice to an owner or agent or a person engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice.

Additional
penalty for
continuing
offence

(3) An owner, agent or other person is, upon conviction, liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.

Imprison-
ment

(4) Where the offence is one that might have endangered the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment with or without hard labour for a term of not more than three months. R.S.O. 1960, c. 241, s. 634.

Imprison-
ment of
offender
against
Part IX
in certain
cases

625.—(1) No prosecution shall be instituted for an offence against Part IX or Part X or any regulation made in pursuance thereof except,

Instituting
prosecutions
for offences

(a) by an engineer;

(b)

(b) by direction of the county or district Crown attorney;
or

(c) by the leave in writing of the Attorney General,

or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney;
or

(f) by leave of the Attorney General.

When person
not actual
offender not
liable

(2) No person not being the actual offender is liable in respect of such offence, if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with the provisions of Part IX or Part X.

Onus of
proof

(3) The burden of proving that the provisions of sections 173 to 594 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. R.S.O. 1960, c. 241, s. 635.

Procedure on
prosecutions

626. Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence was committed or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. R.S.O. 1960, c. 241, s. 636.

R.S.O. 1960,
c. 387

R.S.O. 1960,
c. 241, s. 654,
subs. 7,
amended

2. Subsection 7 of section 654 of *The Mining Act* is amended by striking out "use" in the third line and inserting in lieu thereof "user", so that the subsection shall read as follows:

Patent or
lease to
protect
public travel

(7) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights that would interfere with public travel unless a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road.

Short title

3. This Act may be cited as *The Mining Amendment Act, 1961-62*.

CHAPTER 82

An Act to amend
The Mortgage Brokers Registration Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section: R.S.O. 1960
c. 244,
amended

13a. Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. Registered
real estate
brokers
deemed
registered
mortgage
brokers

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1961-62*. Short title

CHAPTER 83

An Act to amend The Mortgages Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 245,
amended

PART II-A

POWER OF SALE, NOTICE

29a.—(1) Where a mortgage contains a power of sale without notice, the mortgagee shall not exercise the power of sale unless a notice of exercising it (Form 2) has been given by him to the following persons, other than those persons having an interest in the mortgaged property prior to that of the mortgagee and other than those persons subject to whose rights the property is being sold: Notice of
exercise
of power
of sale

1. Where the mortgaged property is registered under *The Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the mortgaged property. R.S.O. 1960,
c. 204,
2. Where *The Registry Act* applies to the mortgaged property, every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the mortgaged property is situate to have an interest in the mortgaged property. R.S.O. 1960,
c. 348
3. Where the Treasurer of Ontario claims a lien against the mortgaged property for unpaid tax under *The Corporations Tax Act*, the Treasurer of Ontario. R.S.O. 1960,
c. 73

4. Where the mortgagee has actual notice of any other interest in the mortgaged property, the person having such interest.

Interpre-
tation

- (2) In subsection 1, the expressions "register of title" and "abstract index" include instruments received or in course of registration before 4.30 p.m. on the day immediately prior to the day on which a notice of exercising the power of sale is given.

When notice
may be
given

- 29b. A notice under section 29a or a notice of exercising a power of sale contained in a mortgage shall not be given until there has been at least two months default in the payment of the principal money or interest under the mortgage or in the performance or observance of any of its covenants or terms, and it shall allow the person to whom it is given at least fifteen days notice of exercising the power of sale or such longer period of notice as the mortgage provides.

Service of
notice,
general
rule

- 29c.—(1) A notice under section 29a or a notice of exercising a power of sale contained in a mortgage shall be given by personal service or by registered mail addressed to the person to whom it is to be given at his address as shown on the registered instrument under which he acquired his interest or at his usual or last known place of address, or, if the mortgage so provides, by personal service only.

Execution
creditors

- (2) Where a person to be given notice under section 29a or a notice of exercising a power of sale contained in a mortgage is an execution creditor, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who issued the execution.

Mechanic's
lien
claimants

- (3) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in a mortgage is a mechanic's lien claimant, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who filed the claim for lien, and, where the claim for lien was filed by the lien claimant personally and there is no address for service shown on the claim for lien and the mortgagee has no actual knowledge of the lien claimant's address, section 29a does not apply to the lien claimant.

Persons
under
disability

- (4) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in

a mortgage is under a disability, the notice shall be deemed to have been effectually given if given in accordance with subsection 1.

- (5) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in a mortgage has died, the notice shall be deemed to have been effectually given if given by registered mail in accordance with subsection 1, and, subject to paragraph 4 of subsection 1 of section 29a, shall be deemed to be effectual notice to all persons who have any interest in the deceased's estate.

Deceased persons

- 29d. A notice under section 29a shall, if given by registered mail, be mailed in Ontario and a notice under section 29c or a notice of exercising a power of sale contained in a mortgage shall be deemed to have been given on the day on which it was mailed.

Service by mail

- 29e. Subject to *The Land Titles Act*, a statutory declaration by the mortgagee, his solicitor or agent as to default, a statutory declaration proving service, including production of the post office receipt of registration, and a statutory declaration by the mortgagee's solicitor that the sale complies with this Part is conclusive evidence of compliance with this Part sufficient to satisfy a purchaser.

Proof of compliance
R.S.O. 1960,
c. 204

- 29f. Nothing in this Part shall be deemed to abridge the period of default after which the mortgaged property may be sold where the period of default provided by the mortgage is greater than the period of default provided by this Part.

Saving

- 29g.—(1) A mortgagee may, where there has been at least two months default in the payment of the principal money or interest under the mortgage, apply *ex parte* to the judge of the county or district court of the county or district in which any part of the mortgaged property is situate or to the master of the Supreme Court for leave to exercise power of sale without notice.

Ex parte
application
to exercise
power of
sale

- (2) Upon an application under subsection 1, the judge or master, as the case may be, may, notwithstanding section 29a, grant leave to exercise power of sale without notice or with such notice (Form 2) to such persons and in such manner as he deems proper.

Idem

2. *The Mortgages Act* is amended by adding thereto the following form:

R.S.O. 1960,
c. 245,
amended

FORM 2

(Sections 29a (1), 29g (2))

NOTICE OF SALE UNDER MORTGAGE

I hereby require you on or before the day of , 19.... (*a day not less than 15 days from the service of the notice*), to pay the principal money, interest and costs secured by a certain mortgage dated the..... day of , 19...., between , mortgagor, and , mortgagee, which mortgage was registered on the day of , 19...., in the registry division, etc. (*Set out a short description of the mortgaged property, and, where applicable, add: which mortgage was assigned to the undersigned on the day of , 19....*) And I hereby give you notice that the amounts due on the mortgage for principal money, interest and costs, respectively, are as follows:

And unless the principal money, interest and costs are paid on or before the day of , 19...., I shall sell the property comprised in the mortgage under the provisions of the mortgage and Part II-A of *The Mortgages Act*.

Dated the day of , 19....

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Mortgages Amendment Act, 1961-62*.

CHAPTER 84

**An Act respecting Claims for Damages Arising
out of Motor Vehicle Accidents**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transport;
- (b) "driver's licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*; ^{R.S.O. 1960, c. 172}
- (c) "Fund" means the Motor Vehicle Accident Claims Fund;
- (d) "insured motor vehicle" means a motor vehicle,
 - (i) that is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, ^{R.S.O. 1960, c. 190} or
 - (ii) in respect of which there is on deposit with the Registrar money, securities or a bond in accordance with section 118 of *The Highway Traffic Act*, or
 - (iii) in respect of which the owner is exempt from the payment of registration fees under the regulations made under *The Highway Traffic Act*;
- (e) "licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*;
- (f) "Minister" means the Minister of Transport;
- (g) "permit" means an owner's permit issued under *The Highway Traffic Act*;

(h)

- (h) "Registrar" means the Registrar of Motor Vehicles;
- (i) "uninsured motor vehicle" means a motor vehicle that is not an insured motor vehicle.

Fund
established

R.S.O. 1960,
c. 172

2.—(1) There shall be a fund to be known as the Motor Vehicle Accident Claims Fund into which shall be paid the fees paid under this section, and all money at the credit of the Unsatisfied Judgment Fund under *The Highway Traffic Act* is hereby transferred to the Motor Vehicle Accident Claims Fund.

Uninsured
motor
vehicle fee

R.S.O. 1960,
c. 190

- (2) Unless the owner of a motor vehicle,
 - (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 117 of *The Highway Traffic Act*; or
 - (b) has given a bond as required by clause *b* of subsection 1 of section 118 of *The Highway Traffic Act*; or
 - (c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*; or
 - (d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 118 of *The Highway Traffic Act*; or
 - (e) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

Offence for
false
statement

- (3) Every person who knowingly makes a false statement in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Fee on
issue or
renewal of
licence

- (4) Upon the issue or renewal of a chauffeur's licence or operator's licence under *The Highway Traffic Act*, there shall

be paid to the Fund by the person to whom the licence or renewal is issued such fee as may be prescribed by the Lieutenant Governor in Council.

- (5) When the owner of a motor vehicle,
- (a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or
 - (b) has given a bond required under clause *b* of subsection 2 and the bond is cancelled; or
 - (c) has made a deposit with the Treasurer of Ontario as required under clause *c* of subsection 2 and the deposit has been withdrawn; or
 - (d) has filed proof of financial responsibility as required under clause *d* of subsection 2 and the proof is cancelled,

Uninsured motor vehicle fee payable on cancellation of insurance, etc.

the owner shall pay forthwith the uninsured motor vehicle fee.

(6) The Lieutenant Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may direct payment out of the Consolidated Revenue Fund of such an amount as may be deemed necessary or advisable to subsidize the Fund.

Fund may be subsidized

(7) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Interest credited to Fund

(8) The Lieutenant Governor in Council in each year shall authorize the payment out of the Fund to the Consolidated Revenue Fund of an amount for the payment of expenses in connection with the administration of the Fund.

Administration expenses

3.—(1) Subject to subsection 4, the owner of a motor vehicle who operates or permits the operation of the motor vehicle on a highway shall, upon the request of a constable or an officer appointed for carrying out the provisions of *The Highway Traffic Act*, produce evidence that,

Production of evidence of insurance or payment of fee
R.S.O. 1960, c. 172

- (a) the vehicle is an insured motor vehicle; or
- (b) the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

(2) The Registrar shall issue to the owner of an uninsured motor vehicle a document that may be produced as evidence under subsection 1 that the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

Document evidencing payment of uninsured motor vehicle fee

Offence for failure to produce evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request, or who produces false evidence, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition he may be required to file proof of

R.S.O. 1960, c. 172

financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

Application of subss. 1, 3

(4) Subsections 1 and 3 do not apply to a person driving a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

Registrar agent for owner of uninsured motor vehicle for service of process

4.—(1) The Registrar is deemed to be an agent of the owner of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

(a) a notice or process shall be served on the Registrar by leaving a copy thereof with or at the office of the Registrar; and

(b) a copy of the notice or process shall be sent forthwith by registered mail to the defendant at his last address as recorded with the Department.

Application

(2) Subsection 1 applies to service upon the owner and operator of an uninsured motor vehicle of notice or process in an action in Ontario arising out of the use or operation in Ontario of an uninsured motor vehicle after the 1st day of July, 1947, provided that the action has been brought within the time limited for the commencement of such actions under *The Highway Traffic Act* and the writ of summons has been renewed as required by the rules of court and is in force on the day this Act comes into force.

Application for payment out of Fund where person has cause of action

5.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by an uninsured motor vehicle, any person who would have a cause of action against the owner or driver of such uninsured motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 1 of section 6, may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage, provided that no amount of less than \$50 is payable in respect of such loss or property damage.

(2) Upon receipt of an application under subsection 1, ^{Notice to owner and driver} the Minister shall, by registered mail, forward a notice of the application for payment out of the Fund to the owner and the driver of the uninsured motor vehicle against whom liability for the damages occasioned by the operation of the uninsured motor vehicle is alleged, to their last addresses as recorded with the Department.

(3) The Minister may, in respect of an application made ^{Payment out of Fund authorized} under subsection 1, make payment out of the Fund, subject to section 22, of an amount that he deems proper in all the circumstances if,

- (a) the applicant executes a release under seal of all claims arising out of the motor vehicle accident that occasioned the damages to be paid out of the Fund; and
- (b) subject to clause c, the owner and driver of the uninsured motor vehicle, against whom liability for the damages occasioned by the operation of the motor vehicle is alleged, execute a consent to the payment of the sum for damages out of the Fund and also execute under seal an undertaking to repay to the Fund the amount to be paid from the Fund; or
- (c) the person to whom a notice is sent in accordance with subsection 2 does not reply within thirty days of the date upon which the notice was sent either,

(i) by mail, or

(ii) by attending in person at the place named in the notice,

and disputes his liability to the person making application under subsection 1.

(4) Where an amount is paid out of the Fund under subsection 3, the Minister is subrogated to the rights of the ^{Minister subrogated to rights of applicant} person to whom such amount is paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured motor vehicle.

(5) Where payment is made under subsection 3, the driver's ^{Suspension of licence and permit} licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until proof of financial responsibility has been filed

under

R.S.O. 1960,
c. 172

under Part XII of *The Highway Traffic Act* and repayment of the amount paid out of the Fund has commenced on the undertaking referred to in clause *b* of subsection 3.

Suspension
on default
of payment

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Application
for payment
of judgment

6.—(1) Subject to section 7, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or loss of or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings, including appeals, he may make application, in the form prescribed by the Lieutenant Governor in Council, for and the Minister shall pay the amount of the judgment or of the unsatisfied portion thereof out of the Fund, provided that, in respect of a judgment for loss of or damage to property, no amount of less than \$50 is payable out of the Fund.

Where
Minister
objects to
payment

(2) Where an application is made to the Minister under subsection 1, the Minister may at any time within thirty days of the receipt of the application or within such further time as may be allowed upon application to a judge of the Supreme Court give written notice to the applicant of any objection to payment of the judgment or part of the judgment, and, where the Minister gives the notice, the applicant may apply by way of originating notice to a judge of the Supreme Court for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

Action
against all
persons
reasonably
liable to
be sued

(3) The Minister shall not pay out of the Fund any amount in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Application
of sec. 6

7.—(1) Section 6 does not apply in the case of a judgment that has been signed in an action in which,

(a) the defendant did not enter an appearance; or

(b) the defendant did not file a statement of defence; or

(c) the defendant did not appear in person or by counsel at the trial; or

(d)

- (d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

(2) Where the Minister receives notice under subsection 1, ^{Rights of Minister} he may, if he deems it advisable, enter an appearance within thirty days, file a defence, make payment into court, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of such defendant.

(3) Where pleadings have been noted closed, the Minister ^{Re-opening pleadings} may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf and in the name of the defendant, re-open the pleadings upon praecipe.

8.—(1) The Minister shall not pay out of the Fund any ^{Assignment of judgment to Minister} sum under section 6 until the judgment creditor assigns the judgment to him.

(2) Upon lodging a copy of the assignment of judgment, ^{Lodging assignment with court} certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(3) Where execution is issued in the name of the judgment ^{Lodging with sheriff} creditor and a copy of the assignment of judgment, certified as prescribed in subsection 2, is lodged with the sheriff having the writ of execution, the provisions of subsection 2 apply *mutatis mutandis*.

9. Where the Minister pays out of the Fund any amount ^{Suspension of licence} in satisfaction of a judgment, the driver's licence and owner's permit or permits of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

- (a) repaid in full to the Fund the amount paid out; or

(b)

(b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder; and

(c) filed proof of his financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Restoration
of licence
on instal-
ment
payments

10.—(1) The Lieutenant Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and condi-
tions of
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) When a person is in default of any such payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Where
identity
of vehicle
cannot be
established

11. Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may bring an action against the Registrar, either alone or as a co-defendant with others alleged to be responsible for the death or personal injury.

Idem

12. Where an action has been commenced in respect of the death of or injury to any person occasioned in Ontario by a motor vehicle and it is alleged that the death or injury was caused or contributed to by another motor vehicle, the identity of which and the owner and driver thereof cannot be established, the Registrar may be added as a defendant on the application of any party and shall be added as a defendant on his own application.

Non-jury
action

13. When the Registrar is a party to an action, the action shall be tried by a judge without a jury.

Where
owner
known but
identity
of driver
cannot be
established

14. When the death of or personal injury to any person is occasioned in Ontario by a motor vehicle at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur and the identity of the person in possession of the motor

vehicle

vehicle cannot be established, any person who would have a cause of action against the person in possession of the motor vehicle in respect of such death or injury may bring an action against the Registrar.

15. In an action against the Registrar, the Registrar may deny generally the allegations in respect of the unidentified motor vehicle and unidentified owner and driver thereof and shall not be required to set forth the facts upon which he relies.

General
denial

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties other than the Registrar to ascertain the identity of the motor vehicle and of the owner and driver thereof and that the identity of the motor vehicle and of the owner and driver thereof cannot be established.

All reason-
able efforts
to ascertain
identity
condition to
granting
judgment

17. All actions against the Registrar may be commenced only within the times limited for actions under section 147 of *The Highway Traffic Act*.

Time limit
for actions
against
Registrar
R.S.O. 1960,
c. 172

18. Where judgment is obtained against the Registrar, upon the determination of all proceedings, including appeals, the Minister, subject to subsection 4 of section 22, shall pay out of the Fund to the plaintiff in the action the amount of the judgment.

Payment of
judgment
against
Registrar

19.—(1) Where judgment has been obtained against the Registrar, the Registrar may at any time thereafter, by originating notice, apply,

Order of
judge as to
owner or
driver

- (a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;
- (b) where judgment has been obtained in a county or district court, to a judge thereof; and
- (c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury in respect of which the judgment was obtained.

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle,

Owner or
driver
defendant
in action

(a)

- (a) such person shall for the purpose of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and
- (b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the Fund in respect of the judgment and accordingly has all the rights of a judgment creditor, including the right to recover any moneys that would have been payable in respect of the death or injury under any policy of insurance that was in force at the time of the accident.

Registrar
not
personally
liable

20. In an action brought against the Registrar, the Registrar is not personally liable to satisfy a judgment obtained in the action.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited

21. No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Registrar of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance.

R.S.O. 1960,
c. 190

Limits
payable from
Fund

22.—(1) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of \$5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of \$5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

(2) In respect of applications under section 5 or 6 for pay- ^{Idem}ment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, the Minister shall not pay out of the Fund,

- (a) more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$2,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(3) In respect of applications under section 5 or 6 for ^{Idem}payment of damages arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, the Minister shall not pay out of the Fund,

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$1,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(4) Subject to subsection 5, the Minister shall not pay out ^{Idem}of the Fund in respect of judgments against the Registrar for damages,

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or
- (b) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than

\$20,000,

\$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; or

- (c) arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

Partial
discharge
of judgment
debt

(5) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Interpre-
tation

23.—(1) In this section, “residence” shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

Payments
to non-
residents

(2) The Minister shall not pay out of the Fund any amount in favour of a person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of Ontario, provided that no payment shall include an amount that would not be payable by the law of the jurisdiction in which such person resides.

Costs

24.—(1) The Minister shall pay out of the Fund costs of an action but not more than the actual disbursements and fees as awarded in the judgment as between the parties to the action.

Idem

(2) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment.

(3) Where a solicitor has completed the application referred to in subsection 1 of section 6 and the assignment of judgment and has issued execution and filed it with the sheriff, he is entitled to a fee of \$30 out of the Fund, and such fee includes disbursements. Solicitor's fee

(4) If the Minister is satisfied that it is not feasible to issue and file execution as required under subsection 3, he may waive such requirements, and in such case the solicitor is entitled to the fee under subsection 3. Direction of Minister for payment of solicitor's fee

25.—(1) No money shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister. Bill of costs to be taxed and filed

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1, other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs. Fees limited to taxed costs

(3) No order is required to tax such a bill.

No order required

26. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this Act. Practice and procedure

27. This Act comes into force on the 1st day of July, 1962. Commencement

28. This Act may be cited as *The Motor Vehicle Accident Claims Act, 1961-62*. Short title

CHAPTER 85

**An Act to amend
The Motor Vehicle Fuel Tax Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 2 of *The Motor Vehicle Fuel Tax Act* is amended by striking out “or” in the eighth line and inserting in lieu thereof “or”. R.S.O. 1960, c. 248, s. 2, subs. 5, amended

(2) Subsection 6 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960, c. 248, s. 2, subs. 6, re-enacted

(6) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100. Penalty

2. Subsection 4 of section 3 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 248, s. 3, subs. 4, re-enacted

(4) Every person who fails to pay the tax imposed by subsection 1 or 2 when required by this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax he failed to pay and \$10, and not more than the amount of the tax he failed to pay and \$1,000. Penalty

3. Subsections 5 and 6 of section 7 of *The Motor Vehicle Fuel Tax Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 248, s. 7, subs. 5, 6, re-enacted

(5) Every registrant who refuses or neglects to collect the tax in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that he refused or neglected to collect and \$10, and not more than the amount of the tax that he refused or neglected to collect and \$1,000. Penalty for failure to collect tax

Penalty for failure of employee to collect tax

- (6) Every employee of a registrant who permits or authorizes or is a party or privy to supplying fuel to a purchaser without collecting from the purchaser the tax imposed by this Act is guilty of an offence and on summary conviction is liable to a fine equal to the amount of the tax and \$50.

R.S.O. 1960, c. 248, s. 8, subss. 3, 4, re-enacted

4. Subsections 3 and 4 of section 8 of *The Motor Vehicle Fuel Tax Act* are repealed and the following substituted therefor:

Penalty for failure to deliver return

- (3) Every registrant who fails to comply with subsection 1 shall pay a penalty of,

(a) \$10; or

(b) 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him,

whichever is the greater, but in no case shall such penalty be more than \$500.

Penalty for failure to complete return

- (4) Every registrant who fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$20.

R.S.O. 1960, c. 248, s. 10, subss. 4, 15, re-enacted

5. Subsection 4 of section 10 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor:

Penalty

- (4) For every default in complying with subsection 1, 2 or 3, the person in default is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

R.S.O. 1960, c. 248, s. 15, re-enacted

6. Section 15 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor:

Disposition of fines; penalties payable on demand

15. The fines imposed for offences under this Act shall be paid over to the Treasurer, and every penalty imposed by this Act is payable upon and in accordance with the demand of the Treasurer therefor.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1961-62*.

CHAPTER 86

An Act to amend The Municipal Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 13,
subs. 1,
re-enacted

- (1) Where a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into not less than three wards, and shall designate the name or number each ward shall bear. Wards

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act* is amended by inserting after "wife" in the sixth line "or husband", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 34,
subs. 1,
cl. *a*,
amended

- (*a*) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality or is the wife or husband of a householder and who resides in or within five miles of the municipality.

3.—(1) Clause *t* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "but this clause does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 35,
subs. 1,
cl. *t*,
amended

- (*t*) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid but this clause

does

does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960,
c. 249, s. 35,
subs. 3, cl. a,
re-enacted

(2) Clause *a* of subsection 3 of the said section 35 is repealed and the following substituted therefor:

- (a) of his being a shareholder in an incorporated company having dealings or a contract with the municipal corporation, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such incorporated company and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse.

Application
of s. 35,
subs. 3,
cl. a

(3) Clause *a* of subsection 3 of section 35 of *The Municipal Act*, as re-enacted by subsection 2, does not apply with respect to a contract with the municipal corporation and a corporation of which a member of council is a shareholder, director, manager, secretary, treasurer, secretary-treasurer or agent entered into before subsection 2 comes into force.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

(4) Subsection 3 of the said section 35, as amended by section 3 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

- (l) of his having entered into an agreement with the corporation in respect of the acquisition of land by the corporation for a road-widening or curve-adjustment or of his having any claim or proceeding against the corporation in respect of the acquisition of land for any such purpose.

R.S.O. 1960,
c. 249, s. 45,
amended

4. Section 45 of *The Municipal Act* is amended by adding at the end thereof "and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated", so that the section shall read as follows:

Notice

45. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publication in a newspaper having general circulation in the municipality and, in any township where there is no newspaper having general circulation, by posting notice thereof in at least two con-

spicuous places in the township, and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated.

5.—(1) Section 46 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 46, amended

- (1a) The returning officer shall, before calling the nomination meeting to order, prominently display in one or more locations in the place of the nomination meeting three or more copies of the notice required under section 45. Notice to be displayed at place of meeting

(2) Subsection 7 of the said section 46 is amended by inserting after “day” in the fourth line “or within an hour of the close of the nomination meeting, whichever is the later”, R.S.O. 1960, c. 249, s. 46, subs. 7, amended so that the subsection shall read as follows:

- (7) When a candidate makes the filings mentioned in subsection 1 of section 48 by filing them with the returning officer or the clerk at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. Qualification of candidate

6. Section 51 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 51, re-enacted

51. If, as a result of a candidate for any office dying after having qualified and before the close of the poll, Election in case of death of candidate

(a) a person would be elected by acclamation to such office, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election; or

(b) no person would be elected by acclamation to such office, the returning officer shall omit the name of the deceased candidate from the ballot and the election shall be proceeded with as if the deceased candidate had not been a candidate.

R.S.O. 1960,
c. 249, s. 90,
subs. 1,
amended

7.—(1) Subsection 1 of section 90 of *The Municipal Act* is amended by inserting after “vote” in the sixth line “or of voters who for religious reasons are prevented from voting”, so that the subsection shall read as follows:

Advance
poll

(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, or of voters who for religious reasons are prevented from voting, on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 90,
subs. 8,
amended

(2) Subsection 8 of the said section 90 is amended by adding “or” at the end of clause *c* of the declaration and by adding thereto the following clause:

(*d*) for religious reasons, am prevented from voting.

R.S.O. 1960,
c. 249, s. 150,
subs. 2,
amended

8. Subsection 2 of section 150 of *The Municipal Act* is amended by inserting after “Where” in the first line “in a year in which an election is to be held” and by striking out “in any year” in the second line, so that the subsection shall read as follows:

When
vacancy
need not
be filled

(2) Where in a year in which an election is to be held a vacancy occurs in the office of councillor after the 1st day of November or after the 1st day of October where a by-law has been passed under section 44 and an election has not been ordered in a judicial proceeding, it is not necessary that the vacancy be filled if the council so directs.

R.S.O. 1960,
c. 249, s. 151,
cl. *b*,
repealed

9. Clause *b* of section 151 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 152,
subs. 1,
amended

10. Subsection 1 of section 152 of *The Municipal Act* is amended by striking out “by the master” in the fourth line.

R.S.O. 1960,
c. 249, s. 153,
subs. 1,
amended

11.—(1) Subsection 1 of section 153 of *The Municipal Act* is amended by striking out “or the master, as the case may be” in the eleventh line.

R.S.O. 1960,
c. 249, s. 153,
subs. 2,
amended

(2) Subsection 2 of the said section 153 is amended by striking out “or master” in the second line and in the fourth line.

(3) Subsection 3 of the said section 153 is amended by striking out "or master" in the second line. R.S.O. 1960,
c. 249, s. 153,
subs. 3,
amended

(4) Subsection 4 of the said section 153 is amended by striking out "or before the master" in the second line. R.S.O. 1960,
c. 249, s. 153,
subs. 4,
amended

12. Section 156 of *The Municipal Act* is amended by striking out "or master" in the third line. R.S.O. 1960,
c. 249, s. 156
amended

13. Section 159 of *The Municipal Act* is amended by striking out "or the master" in the sixth line. R.S.O. 1960,
c. 249, s. 159,
amended

14. Section 160 of *The Municipal Act* is amended by striking out "or master" in the fifth line. R.S.O. 1960,
c. 249, s. 160,
amended

15. Section 161 of *The Municipal Act* is amended by striking out "or master" in the first line and in the seventh line. R.S.O. 1960,
c. 249, s. 161,
amended

16. Subsection 1 of section 163 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 163,
subs. 1,
amended

17.—(1) Subsection 1 of section 164 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 164,
subs. 1,
amended

(2) Subsection 2 of the said section 164 is amended by striking out "or before the master" in the eighth and ninth lines. R.S.O. 1960,
c. 249, s. 164,
subs. 2,
amended

18. Subsection 1 of section 167 of *The Municipal Act* is amended by striking out "or master" in the sixth line. R.S.O. 1960,
c. 249, s. 167,
subs. 1,
amended

19. Subsection 2 of section 168 of *The Municipal Act* is amended by striking out "or master" in the second line. R.S.O. 1960,
c. 249, s. 168,
subs. 2,
amended

20. Section 169 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 169,
amended

21. Subsection 1 of section 170 of *The Municipal Act* is amended by striking out "of the master or" in the second and third lines. R.S.O. 1960,
c. 249, s. 170,
subs. 1,
amended

22. Subsection 2 of section 171 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 171,
subs. 2,
amended

23. Section 198a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249,
s. 198a
(1960-61,
c. 59, s. 6),
amended

(7) Where a member of a council or local board as defined in *The Department of Municipal Affairs Act*, being under a duty to disclose his interest and to Where
exemption
from dis-
qualification
does not
apply

refrain from the consideration or discussion of or voting on any question under subsection 1, fails to disclose his interest or to refrain from the consideration or discussion of or voting on such question, he is not entitled to exemption from disqualification under clauses *a, b, d* and *l* of subsection 3 of section 35.

R.S.O. 1960,
c. 249,
amended

24. *The Municipal Act* is amended by adding thereto the following section:

Application
of ss. 198,
198*a* re
filling of
vacancies

198*b*. Sections 198 and 198*a* do not apply to the election or appointment of a member of council to fill a vacancy, office or position in the council or in any local board as defined by *The Department of Municipal Affairs Act* when the council is empowered or required by any general or special Act to fill such vacancy, office or position.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 201,
amended

25.—(1) Section 201 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

In cities of
not less than
100,000

(1) Subject to subsection 2, in cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

R.S.O. 1960,
c. 249, s. 201,
amended

(2) The said section 201 is further amended by adding thereto the following subsections:

City may
dispense
with board
of
control

(2) The council of a city having a population of not less than 100,000 may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law providing that the city shall not have a board of control.

Approval of
Municipal
Board

(3) No by-law passed under subsection 2 shall come into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 249, s. 202,
re-enacted

26. Section 202 of *The Municipal Act* is repealed and the following substituted therefor:

In cities
of not less
than 45,000
and other
local muni-
cipalities
of not less
than 100,000

202.—(1) In cities having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law,

(*a*) where the council, excluding the head of council, reeve and deputy reeve, consists of ten or more members, providing that there

shall

shall be a board of control consisting of the head of council and four controllers to be elected by general vote; or

- (b) where the council, excluding the head of council, reeve and deputy reeve, consists of less than ten members, providing that there shall be a board of control consisting of the head of council and two controllers to be elected by general vote.
- (2) No by-law passed under subsection 1 or a by-law that repeals a by-law passed under subsection 1 comes into force without the approval of the Municipal Board.
Approval of
Municipal
Board
- (3) Notwithstanding any other provision in this Act, where the council of a municipality provides that there shall be a board of control in the municipality, the council shall be composed of such members, except a reeve who is not the head of council and a deputy reeve, as are otherwise provided in this Act together with the members of the board of control.
Composition
of council
- (4) For the purpose of representation on county council,
County rep-
resentation
 - (a) in the case of a town,
 - (i) the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the reeve of the town, and
 - (ii) the controller who at such election received the second highest number of votes shall be deemed to be the deputy reeve of the town; and
 - (b) in the case of any other local municipality that is entitled to a deputy reeve, the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the deputy reeve of the local municipality;
 - (c) where because of a tie vote it cannot be ascertained which controller received the highest or second highest number of votes or where one or more of the controllers is elected by acclamation, the controller who shall be deemed to be reeve or deputy reeve, as the case may be, shall be determined by resolution of council.

R.S.O. 1960,
c. 249, s. 203,
subss. 1-6,
amended

27. Section 203 of *The Municipal Act* is amended by striking out "city" in the first lines of subsections 1, 2, 3, 4, 5 and 6 and inserting in lieu thereof in each instance "municipality".

R.S.O. 1960,
c. 249, s. 204,
amended

28. Section 204 of *The Municipal Act* is amended by striking out "mayor" in the first line and inserting in lieu thereof "head of council", so that the section shall read as follows:

Presiding
officer to
act in
absence
of head
of council

204. During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board.

R.S.O. 1960,
c. 249, s. 205,
subs. 1,
re-enacted

29. Subsection 1 of section 205 of *The Municipal Act* is repealed and the following substituted therefor:

Quorum

Head of
council
to preside

(1) A majority of the members of a board of control is a quorum, and the head of council shall preside at the meetings of the board, and, in his absence, the members shall appoint one of their number to preside.

R.S.O. 1960,
c. 249, s. 207,
subs. 6,
repealed

30. Subsection 6 of section 207 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249,
ss. 208, 209,
repealed

31. Sections 208 and 209 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249,
amended

32. *The Municipal Act* is amended by adding thereto the following section:

Publication
of financial
statement,
etc.

223a.—(1) The treasurer of every local municipality in every year shall, within one month after having received the audited financial statement of the municipality, cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality a copy of,

(a) the balance sheet or sheets and the corresponding statement of surplus as of the 31st day of December of the preceding year; and

(b) the statement of revenue and expenditure for the preceding year,

as certified by the auditor, and

(c)

(c) the report of the auditor thereon,

in such form as the Department may prescribe.

- (2) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of council, would be of interest to the ratepayers. Publication of information

33. Section 229 of *The Municipal Act* is amended by adding at the end thereof “and shall prepare the material to be published by the treasurer under section 223a”, so that the section shall read as follows: R.S.O. 1960, c. 249, s. 229, amended

229. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department and shall prepare the material to be published by the treasurer under section 223a. Duties of auditor

34. Section 240 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 240, amended

- (6) No by-law passed under this section shall be repealed. Repeal of by-law prohibited

35. Section 245 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 245, amended

- (2) Subsection 1 does not apply if the new council that will take office after the poll or acclamation will be composed of not less than three-quarters of the members of the council as composed at the time of the poll or acclamation. Application of subs. 1

36. *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 249, amended

- 248a. Notwithstanding any general or special Act, a council shall not grant bonuses in aid of any manufacturing business or other industrial or commercial enterprise. Bonuses prohibited

- 248b. A municipality or a local board thereof as defined in *The Department of Municipal Affairs Act* shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers without first having obtained the approval of the Department. Destruction of documents, R.S.O. 1960, c. 98

R.S.O. 1960,
c. 249,
amended

37. *The Municipal Act* is amended by adding thereto the following section:

Joint
works

250a. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council.

R.S.O. 1960,
c. 249, s. 286,
subs. 3,
amended

38. Subsection 3 of section 286 of *The Municipal Act* is amended by inserting after "apply" in the first line "so as to require the assent of the electors", so that the subsection, exclusive of the clauses, shall read as follows:

Exceptions

(3) Subsection 1 does not apply so as to require the assent of the electors to a by-law passed,

.

R.S.O. 1960,
c. 249, s. 303,
amended

39. Section 303 of *The Municipal Act* is amended by adding thereto the following subsection:

Use of
proceeds
of sale of
property
acquired
from pro-
ceeds of
sale of
debentures

(4) Where real or personal property acquired with all or part of the proceeds of the sale of debentures is sold while any part of the debentures remains outstanding, the net proceeds of the sale, to the extent of the amount of principal and interest then outstanding on such debentures, shall be applied in accordance with subsections 2 and 3.

R.S.O. 1960,
c. 249, s. 358,
subs. 2,
re-enacted;
subs. 3,
repealed

40.—(1) Subsections 2 and 3 of section 358 of *The Municipal Act* are repealed and the following substituted therefor:

Appointment
of jailer,
etc.

(2) The county or city that provides and maintains a jail shall appoint a jailer, jail surgeon and other jail employees and shall fix and pay their salaries, but the appointment of the jailer is subject to the approval of the Minister of Reform Institutions.

R.S.O. 1960,
c. 249, s. 358,
subss. 5, 6,
repealed

(2) Subsections 5 and 6 of the said section 358 are repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 21,
repealed

41.—(1) Paragraph 21 of section 377 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 47,
amended

(2) Paragraph 47 of the said section 377 is amended by adding at the end thereof "and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating

and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time", so that the paragraph shall read as follows:

47. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels, and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time. ^{Erecting and regulating use of docks, etc.}

(3) Paragraph 59 of the said section 377 is amended by inserting after "thereof" in the third line "and their widows and children", so that the paragraph, exclusive of the clauses, shall read as follows: ^{R.S.O. 1960, c. 249, s. 377, par. 59, amended}

59. Subject to such limitations and restrictions as the Lieutenant Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof and their widows and children. ^{Pensions}

(4) Clause *c* of paragraph 59 of the said section 377 is amended by inserting after "made" in the first line "under this paragraph or under *The Ontario Municipal Employees Retirement System Act, 1961-62*", so that the clause shall read as follows: ^{R.S.O. 1960, c. 249, s. 377, par. 59, cl. c, amended}

- (c) Payments made under this paragraph or under *The Ontario Municipal Employees Retirement System Act, 1961-62* with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years, and payments with respect to past service and future service shall be deemed to be current expenditures. ^{Payments to be deemed current expenditures 1961-62, c. 97}

(5) Paragraph 69 of the said section 377 is amended by striking out the first sixteen lines and inserting in lieu thereof the following: ^{R.S.O. 1960, c. 249, s. 377, par. 69, amended}

69. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places ^{Special undertakings}

of recreation and amusement, arenas, auditoriums, health or community centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality that may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of Her Majesty or Her Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

R.S.O. 1960,
c. 249, s. 377,
par. 69,
cl. c,
amended

(6) Clause *c* of paragraph 69 of the said section 377 is amended by adding at the commencement thereof "Subject to the approval of the Department", so that the clause shall read as follows:

(c) Subject to the approval of the Department, any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

42.—(1) Paragraph 49 of subsection 1 of section 379 of *The Municipal Act* is amended by inserting after "operations" in the fifth line "and uses incidental thereto", so that the paragraph, exclusive of the clauses, shall read as follows:

Industrial
sites

49. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations and uses incidental thereto.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
cl. c,
amended

(2) Clause *c* of paragraph 49 of subsection 1 of the said section 379 is amended by striking out "clause *g* of paragraph 48" in the sixth and seventh lines and inserting in lieu thereof "section 248a", so that the clause shall read as follows:

Sales and
leases here-
under
deemed
not bonuses

(c) Where land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under a by-law passed under this paragraph, is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of section 248a.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

(3) Paragraph 49 of subsection 1 of the said section 379 is further amended by adding thereto the following clause:

Disposal
of land with
Department
approval

(f) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being

chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose.

(4) Clause *f* of paragraph 52 of subsection 1 of the said section 379 is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 52, cl. *f*, re-enacted

(*f*) The powers conferred by this paragraph may be exercised in respect of the whole municipality or any defined area thereof, and a special rate for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section may be imposed upon all the rateable property in the municipality or in any such defined area. Defined areas

(5) Clause *a* of paragraph 77 of subsection 1 of the said section 379 is amended by striking out "clause *c*" in the first line and inserting in lieu thereof "clauses *c* and *d*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 77, cl. *a*, amended

(*a*) Subject to clauses *c* and *d*, no land is exempt from the special rate, notwithstanding anything to the contrary in any general or special Act or in any by-law. No land exempt

(6) Paragraph 77 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 77, amended

(*d*) A special rate to defray the expense of such collection, removal and disposal may be levied on all the rateable property in the municipality or the defined areas. Rate on all rateable property

43. *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 249, amended

379a.—(1) In this section and in any by-law passed thereunder, Interpretation

(*a*) "closed" means not open for the serving of any customer;

(*b*) "shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking

businesses,

businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

Exception
as to
customers
entering
before
closing hour

- (2) Nothing in this section or in a by-law passed under it renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein.

By-law
determining
hours of
closing

- (3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
half-
holiday

- (4) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during any time or hours between 12.30 o'clock in the afternoon and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
holiday

- (5) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during the whole of such day and until 5 o'clock in the forenoon of the next following day.

Powers of
township
councils

- (6) The council of every township has, with respect to any part of the township designated in the by-law, all the rights and powers conferred by this section on the council of a city, town or village and may pass by-laws that apply only to the part of the township so designated.

Commence-
ment and
publication
of by-laws

- (7) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing, and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof.

- (8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades that is the principal trade carried on in such shop. Closing of shops in which several trades are carried on
- (9) A pharmaceutical chemist or druggist is not, nor is an occupier of, or person employed in or about a shop in a village or township, liable to any penalty under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops, but nothing in this subsection authorizes a person to keep open shop after that hour. Exception as to sales by druggists
- (10) Nothing in any such by-law renders the occupier of a premises liable to any penalty for supplying an article to a person lodging in such premises, or for supplying an article required for immediate use by reason of an emergency arising from sickness, ailment or death, or for supplying or selling an article to a person for use on or in or about or with respect to a steamboat or sailing vessel that at the time of such supplying or selling is either in or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to a person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection authorizes a person to keep open shop after the hour appointed by such by-law for the closing of shops. Supplying articles to lodgers, etc.
- (11) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township. By-laws containing different provisions for different localities
- (12) Where an offence for which the occupier of a shop is liable under any such by-law to a penalty has in fact been committed by some agent or servant of the occupier, such agent or servant is liable to the same penalty as if he were the occupier. Agent or servant liable to penalty
- (13) Where the occupier of a shop is charged with an offence against any such by-law, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a magistrate at the time appointed Exemption of occupier on conviction of actual offender

for

for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the magistrate that he used due diligence to enforce the execution of the provisions of the by-law and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty.

Repeal of
by-law

- (14) A council may amend or repeal any by-law, except a by-law relating to retail gasoline service stations passed on the application of not less than three-quarters in number of the occupiers of such service stations, passed under any predecessor of this section, whether or not such by-law was required to be passed upon the application of any number of occupiers of shops in the municipality.

Idem

- (15) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of retail gasoline service stations to which a by-law passed upon the application of not less than three-quarters in number of the occupiers of such service stations relates are opposed to the continuance of the by-law, the council may repeal it, or may repeal it in so far as it affects such retail gasoline service stations.

Retail
gasoline
outlets

- 379*b*. In addition to any matter authorized by section 379*a*, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,

R.S.O. 1960,
c. 186

- (*a*) provide that the by-law shall apply only in the part or parts of the municipality designated in the by-law;
- (*b*) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between 6 o'clock in the afternoon of any day and 7 o'clock in the forenoon of the next following day and between 6 o'clock in the afternoon of Saturday and 7 o'clock in the forenoon of the next following Monday; and

(*c*)

- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

379c.—(1) In this section, “hotel” means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as “boarding houses” or of furnishing living quarters for families and having a dining-room or restaurant commonly known as “apartment houses” or “private hotels”.

Interpretation

- (2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conducting of an ice-cream parlour, restaurant or cafe, the keeper of a hotel shall not be required,

Sale of soft drinks, etc.

(a) to obtain any licence issued by a municipal authority; or

(b) to comply with any by-law relating to early closing.

44. Paragraph 4 of section 400 of *The Municipal Act* is amended by adding at the end thereof “provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries”, so that the paragraph shall read as follows:

R.S.O. 1960, c. 249, s. 400, par. 4, amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries.

Licensing non-resident transient photographers

R.S.O. 1960,
c. 249,
amended

45. *The Municipal Act* is amended by adding thereto the following section:

Accident
insurance
re members
of council
R.S.O. 1960,
c. 190

406a. The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act* group accident insurance to indemnify any member of council or his estate against loss in case he is accidentally killed or injured while travelling on the business of the corporation or in the performance of his duties as a member of council either within or outside the municipality.

R.S.O. 1960,
c. 249, s. 407
(1960-61,
c. 59, s. 22),
amended

46. Section 407 of *The Municipal Act*, as re-enacted by section 22 of *The Municipal Amendment Act, 1960-61*, is amended by inserting after "school" in the third line "planning", so that the section shall read as follows:

Annual
salary for
members of
local boards
R.S.O. 1960,
c. 98

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

R.S.O. 1960,
c. 249, s. 410,
cl. b,
subcl. i,
amended

47. Subclause i of clause b of section 410 of *The Municipal Act* is amended by inserting after "not less than 50,000. 10,000" in the sixth line "not less than 30,000. 5,000", so that the subclause shall read as follows:

(i) in the case of a local municipality having a population of,

not less than 500,000.	\$50,000
not less than 200,000.	30,000
not less than 100,000.	20,000
not less than 50,000.	10,000
not less than 30,000.	5,000
not less than 20,000.	3,000
not less than 10,000.	2,000
less than 10,000.	1,000

R.S.O. 1960,
c. 249, s. 426,
subs. 2,
re-enacted

48.—(1) Subsection 2 of section 426 of *The Municipal Act* is repealed and the following substituted therefor:

Copy of
agreement
and by-
laws to be
registered

(2) A copy of any agreement made under subsection 1, together with a copy of the by-laws of each of the municipalities authorizing the execution of the agreement, shall be registered in the registry office of the registry division in which the highway is situate.

(2) Subsection 3 of the said section 426 is amended by striking out "by-law" in the first line and inserting in lieu thereof "agreement and by-laws", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 426,
subs. 3,
amended

- (3) After the registration of the agreement and by-laws, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair. Effect

49. Section 459 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249, s. 459,
amended

- (8) A by-law passed under clause *b* of subsection 1 in respect of altering or diverting any highway or part of a highway or under clause *c* of subsection 1 does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March, 1946, until it has been approved by the Minister. Approval of
Minister

50. Clause *b* of subsection 1 of section 462 of *The Municipal Act* is amended by inserting after "council" in the first line "or a committee of council", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 462,
subs. 1,
cl. *b*,
amended

- (*b*) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

51. Section 463 of *The Municipal Act* is amended by striking out "establishing and laying it out" in the third and fourth lines and inserting in lieu thereof "establishing, laying it out or widening it", so that the section shall read as follows: R.S.O. 1960,
c. 249, s. 463,
amended

463. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation, section 462 does not apply to the by-law. When
publication
of by-law
not
required

52. Subsection 1 of section 467 of *The Municipal Act* is amended by inserting after "council" in the fourth line "or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 467,
subs. 1,
amended

Agreement
for removal
of obstruc-
tions to
view of
drivers

- (1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection.

R.S.O. 1960,
c. 249, s. 470.
amended

53. Section 470 of *The Municipal Act* is amended by striking out "road-making machinery, snow-removal equipment" in the third and fourth lines and inserting in lieu thereof "machinery", so that the section shall read as follows:

Purchasing
or renting
machinery

470. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

R.S.O. 1960,
c. 249, s. 472,
repealed

54. Section 472 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 482,
subs. 2,
amended

55.—(1) Subsection 2 of section 482 of *The Municipal Act* is amended by inserting after "apply" in the second line "except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and", so that the subsection shall read as follows:

Recovery
R.S.O. 1960,
cc. 387, 296

- (2) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and except that the imprisonment may be for a term of not more than six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for a term of not more than twenty-one days.

(2) Subsection 2 of section 482 of *The Municipal Act*, as amended by subsection 1, applies to contraventions occurring after the 1st day of May, 1961, of by-laws passed under section 31 of *The Planning Act* or any predecessor of such section 31.

Application
of
R.S.O. 1960,
c. 249, s. 482,
subs. 2,
R.S.O. 1960,
c. 296

56. Subsection 1 of section 488 of *The Municipal Act* is amended by striking out "but not exceeding" in the ninth line and inserting in lieu thereof "so that the total area does not exceed 500 acres plus", so that the subsection shall read as follows:

R.S.O. 1960,
c. 249, s. 488,
subs. 1,
amended

- (1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the police village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, by by-law increase the area of the village by adding to it any adjoining land so that the total area does not exceed 500 acres plus twenty acres for each additional 100 of its population over 500.

Annexation
of territory
to police
village

57. Part II of *The Factory, Shop and Office Building Act*, as amended by section 1 of *The Factory, Shop and Office Building Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 130,
Part II
(ss. 78-80),
repealed

58. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to pass by-laws for making grants to persons whose property suffered injury or damage through the effect of flooding in New Brunswick between May 27th and May 29th, 1961, or thereabouts, and to relief committees established to assist such persons.

Grants re
New
Brunswick
floods

59.—(1) This Act, except sections 24, 32, 33 and 47, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 24 and 47 shall be deemed to have come into force on the 1st day of January, 1962

Idem

(3) Sections 32 and 33 come into force on the 1st day of January, 1963.

Idem

60. This Act may be cited as *The Municipal Amendment Act, 1961-62*.

Short title

CHAPTER 87

An Act to amend The Municipal Unconditional Grants Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Municipal Unconditional Grants Act*, R.S.O. 1960, c. 259, s. 8a as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61*, (1960-61, c. 60, s. 1), amended is amended by adding thereto the following subsection:

- (3) In the year 1962 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1962 be less than 70 per cent of the statutory payments made by the municipality with respect to that year nor in any case more than 100 per cent of such statutory payments. Grants re indigent hospitalization, 1962

2. This Act shall be deemed to have come into force on the 1st day of January, 1962. Commencement

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1961-62*. Short title

CHAPTER 88

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “or” in the eighth line and by adding at the end thereof “a successor of any of them or a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows:

R.S.O. 1960,
c. 260, s. 1,
cl. *a*,
amended

- (a) “area municipality” means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, a successor of any of them or a municipality that comes into being by the union of two or more such municipalities.

(2) Clause *i* of the said section 1 is amended by striking out “and” in the eighth line and by adding at the end thereof “the successor of any of them and a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows:

R.S.O. 1960,
c. 260, s. 1,
cl. *i*,
amended

- (i) “Metropolitan Area” means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, the successor of any of them and a municipality that comes into being by the union of two or more such municipalities.

R.S.O. 1960,
c. 260, s. 4,
subs. 2,
amended

2.—(1) Subsection 2 of section 4 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

Day for
polling

(2) Subject to subsection 2a, the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

R.S.O. 1960,
c. 260, s. 4,
amended

(2) The said section 4 is amended by adding thereto the following subsection:

Time for
polling

(2a) The Metropolitan Council may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the polls so that they will remain open for not less than eight consecutive hours between 8 o'clock in the morning and 9 o'clock in the evening, and any such by-law remains in force from year to year until repealed.

R.S.O. 1960,
c. 260, s. 5,
amended

3.—(1) Section 5 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections:

Right of
area muni-
cipalities
to appoint
additional
members
after union
of muni-
cipalities,
etc.

(1a) Where by reason of the union of two or more area municipalities, or for any other reason, the number of the members of the Metropolitan Council is reduced, the Metropolitan Council may grant to one or more area municipalities the right to appoint one or more additional members, equal in number to the reduction that has occurred, as members of the Metropolitan Council, and, failing such grant by the Metropolitan Council within one month from the time the reduction has occurred, the Lieutenant Governor in Council may grant such right, provided always that the number of members of the Metropolitan Council from the City of Toronto shall be equal to the number of members from the other area municipalities.

First
appoint-
ment of
members

(1b) Where an area municipality has been granted the right to appoint an additional member or members, the council of the area municipality, within fifteen days after being notified of such right, shall appoint one or more of its members to fill the vacancies created by the grant of such right.

Subsequent
appoint-
ments

(1c) After the first appointment of a member or members under subsection 1b, the additional member or members shall thereafter be appointed by the council of the area municipality at its first meeting after the election of the council in any year.

(1d)

- (1d) The members of the Metropolitan Council appointed under subsection 1b or 1c shall hold office while they are members of the council of the area municipality that appointed them and until their successors are appointed. Term of office
- (2) Subsection 4 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 4, re-enacted
- (4) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Election of chairman
- (3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 6, re-enacted
- (6) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Adjournment
- 4.—**(1) Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 1 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by striking out “and 275 to 280” in the second line and inserting in lieu thereof “275 to 280, paragraph 61 of section 377 and section 406a”, so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 1, amended
- (1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, paragraph 61 of section 377 and section 406a of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249
- (2) Subsection 2 of the said section 17, as enacted by subsection 2 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is amended by striking out “and 198a” in the first line and inserting in lieu thereof “198a and 198b”, so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 2 (1960-61, c. 61, s. 1, subs. 2), amended

Idem
R.S.O. 1960,
c. 249

- (2) Sections 190, 198*a* and 198*b* of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

R.S.O. 1960,
c. 260, s. 24,
subs. 3,
amended

- 5.—(1) Subsection 3 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “thereof” in the third line “a local board of the Metropolitan Corporation”, so that the subsection shall read as follows:

Pensions

- (3) Where the Metropolitan Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, a local board of the Metropolitan Corporation, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein or the local board of the Metropolitan Corporation has entered into an agreement under clause *d* of subsection 2.

R.S.O. 1960,
c. 260, s. 24,
subs. 5,
amended

- (2) Subsection 5 of the said section 24 is amended by striking out “thereof” in the seventh line and in the thirteenth line, so that the subsection shall read as follows:

Accrued
benefits
under
former plan

- (5) Upon such election or upon such an agreement being entered into and such an employee becoming a member of the pension plan established by the Metropolitan Corporation, he or his beneficiaries are entitled on termination of his services with the Metropolitan Corporation or a local board thereof to all benefits under the pension plan of the area municipality, or of a local board, or of the County of York or of the Toronto and York Roads Commission accrued up to the date of his becoming a member of the Metropolitan Corporation pension plan, and his employment by and service with the Metropolitan Corporation or a local board thereof

shall

shall be deemed to be employment by and service with the respective area municipality, or local board, or the County of York or the Toronto and York Roads Commission for the purpose of determining eligibility for any such accrued benefits.

(3) Subsection 6 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 24, subs. 6, amended

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Sick leave credits

(4) Subsection 7 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 24, subs. 7, amended

- (7) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Holidays

6. Section 35 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 35, amended

Rates for
commercial
property
added to
roll
R.S.O. 1960,
c. 23

- (3) Where the amount of a business assessment is entered in the collector's roll of an area municipality under clause *c* of subsection 1 of section 53 of *The Assessment Act*, the real property with respect to which such business assessment is computed is, for the number of months remaining in the current year after the month in which the notice provided for in subsection 4 of the said section 53 is delivered or sent, liable to taxation at the rate levied under clause *a* of subsection 4 of section 231, and the clerk of the municipality shall amend the collector's roll accordingly, and, where taxes are levied under the authority of this subsection, they shall be deemed to be taxes levied under section 53 of *The Assessment Act*.

R.S.O. 1960,
c. 260, s. 37,
amended

7. Section 37 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Assessment
appeals by
Metro-
politan
School
Board
R.S.O. 1960,
c. 23

- (2) For the purposes of sections 27, 72, 75 and 83 of *The Assessment Act*, "school board" includes The Metropolitan School Board and an agent thereof.

R.S.O. 1960,
c. 260,
amended

8. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Signal-light
traffic
control
systems

87a.—(1) Subject to *The Highway Traffic Act*, the Metropolitan Corporation may,

- (a) install signal-light traffic control systems on any highway in the Metropolitan Area;
- (b) operate all signal-light traffic control systems heretofore or hereafter installed in the Metropolitan Area;
- (c) control its signal-light traffic control systems by electronic computers; and
- (d) regulate traffic on highways in the Metropolitan Area within 100 feet of any signal-light traffic control system and for such purpose the Metropolitan Corporation is deemed to be a municipality under section 108 of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Conflict
with area
by-laws

- (2) When a by-law passed under subsection 1 regulating traffic on any part of a highway in the Metropolitan Area is in force, any by-law passed by an area municipality that conflicts therewith has no effect to the extent of such conflict.

- (3) No area municipality may, after the day this section comes into force, install or operate signal-light traffic control systems in the Metropolitan Area. Area municipalities not to operate signal systems
- (4) All signal-light traffic control systems installed on highways in the Metropolitan Area are vested in the Metropolitan Corporation, and no compensation therefor shall be paid by the Metropolitan Corporation to any area municipality. Signal-lights vested in Metropolitan Corporation

9. Clause *c* of subsection 1 of section 116 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to section 116*a*", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 116, subs. 1, cl. c, amended

- (*c*) Subject to section 116*a*, to fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

- 116*a*. Subject to the approval of the Municipal Board, the Metropolitan Corporation may contribute to the capital costs of the Commission. Metro-politan Corporation contributions to capital costs

11. Section 135 of *The Municipality of Metropolitan Toronto Act*, as amended by section 4 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 135, amended

- (7) Where a board of education within the Metropolitan Area admits, to a public school for the fall term, a pupil whose parent or guardian is a separate school supporter who has, on or before the 14th day of October, taken the steps necessary to become a public school supporter in the following year, the school board shall make a maintenance assistance payment on behalf of the child as if he were a resident pupil as defined in clause *a* of subsection 1. Pupils of separate school supporters

12. Section 177 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "the City of Toronto" in the fourteenth line and inserting in lieu thereof "Metropolitan Toronto", so that the section shall read as follows: R.S.O. 1960, c. 260, s. 177, amended

Metro-
politan
Council to
provide
accommoda-
tion, etc.

177. The Metropolitan Council has the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for Metropolitan Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172 of *The Municipality of Metropolitan Toronto Act, 1953*.

1953, c. 73

R.S.O. 1960,
c. 260, s. 226,
amended

- 13.** Section 226 of *The Municipality of Metropolitan Toronto Act*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Bus system
on Toronto
Islands

- (8) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may,
- (a) maintain and operate buses for the conveyance of passengers;
 - (b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and
 - (c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system.

R.S.O. 1960,
c. 260, s. 236,
subs. 4
(1960-61,
c. 61, s. 12),
re-enacted

- 14.** Subsection 4 of section 236 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is repealed and the following substituted therefor:

- (4) The Municipal Board may direct that an applicant ^{Idem} give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

15.—(1) Subsection 38 of section 238 of *The Municipality of Metropolitan Toronto Act* is repealed and the following ^{R.S.O. 1960, c. 260, s. 238, subs. 38, re-enacted} substituted therefor:

- (38) Notwithstanding this or any other Act or by-law, ^{Where amount in sinking fund account more than sufficient to pay debt} if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Metropolitan Council, the council of an area municipality, The Metropolitan School Board or a board of education in the Metropolitan Area may authorize the Metropolitan Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(2) Subsection 40 of the said section 238 is repealed and the following ^{R.S.O. 1960, c. 260, s. 238, subs. 40, re-enacted} substituted therefor:

- (40) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,
- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
 - (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:
 - (i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,

(ii)

(ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan School Board for public schools, The Metropolitan School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

R.S.O. 1960,
c. 260,
amended

16. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Use of
proceeds of
sale of
asset
acquired
from
proceeds
of sale of
debentures

249a. Where real or personal property acquired out of moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 249 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

R.S.O. 1960,
c. 260, s. 255,
subs. 1,
amended

17.—(1) Subsection 1 of section 255 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “and paragraphs 3, 21 and 22” in the second line and inserting in lieu thereof “section 248*b* and paragraphs 3 and 22”, so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 249

(1) Section 5, Parts XV, XVI, XVII and XXI, section 248*b* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

(2) Subsection 3 of the said section 255 is amended by striking out "section" in the second line and inserting in lieu thereof "sections 11 and", so that the subsection shall read as follows:

R.S.O. 1960,
c. 260, s. 255,
subs. 3,
amended

(3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, sections 11 and 14 of *The Municipal Act*.

Annexations
and amal-
gamations
R.S.O. 1960,
c. 249

(3) The said section 255 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 260, s. 255,
amended

(8a) When a by-law passed under clause *a* of subsection 8 is in force, the Metropolitan Council may pass by-laws,

Powers of
Metro-
politan
Council re
emergency
measures

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of the Metropolitan Toronto Emergency Measures Organization or any committee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the Metropolitan Toronto Emergency Measures Organization;

(c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area as the by-law may provide when an emergency has been proclaimed under the *War Measures Act* (Canada) or by a Minister designated by the Lieutenant Governor in Council;

R.S.C. 1952,
c. 288

(d) for acquiring alternative headquarters for the metropolitan government outside the Metropolitan Area;

(e) for designating evacuation routes and empowering members of the Metropolitan Police Force to require persons to use such routes;

(f) for obtaining and distributing emergency materials, equipment and supplies; and

(g) for complying with any request of the Government of Canada or Ontario in the event of a nuclear attack.

R.S.O. 1960,
c. 260, s. 271,
subs. 1,
amended

18. Subsection 1 of section 271 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "Corporation" in the first line "or an area municipality", so that the subsection, exclusive of the clauses, shall read as follows:

Municipal
buildings

(1) The Metropolitan Corporation or an area municipality, or the Metropolitan Corporation and one or more area municipalities,

.

Treasurer
authorized
to purchase
subway
debentures

19.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council, may from time to time purchase debentures of The Municipality of Metropolitan Toronto the issue of which is authorized by clause *b* of section 1 of an order of the Ontario Municipal Board, dated the 6th day of June, 1961, on file P.F.E. 287-58, in any amounts not exceeding in the aggregate \$60,000,000.

Moneys

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

20.—(1) This Act, except subsection 2 of section 4 and sections 5, 6, 8, 13 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1960.

Idem

(3) Section 18 shall be deemed to have come into force on the 1st day of July, 1961.

Idem

(4) Subsection 2 of section 4 and sections 5 and 13 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(5) Section 8 comes into force on the 1st day of July, 1962.

Short title

21. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*.

CHAPTER 89

An Act to amend The Notaries Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Notaries Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 263, s. 1,
amended

(2) The Lieutenant Governor in Council may make regulations fixing the fees payable upon appointment as a notary public and upon renewals thereof. Fees on
appointment

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Notaries Amendment Act*, Short title
1961-62.

CHAPTER 90

The Nurses Act, 1961-62

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "College" means the College of Nurses established under this Act;
- (b) "Council" means the council of nurses established by the College under this Act;
- (c) "Minister" means the Minister of Health;
- (d) "nursing registry" means a registry that includes in its functions procuring employment for registered nurses and registered nursing assistants;
- (e) "registered nurse" means a person who is registered as a nurse under this Act;
- (f) "registered nursing assistant" means a person who is registered as a nursing assistant under this Act;
- (g) "school of nursing" means a school for the education of persons as nurses that is approved under this Act;
- (h) "training centre" means a training centre for the education of persons as nursing assistants that is approved under this Act.

2. There shall be a college known as the College of Nurses ^{College} which shall be a corporation without share capital.

3. The affairs of the College shall be administered by the ^{Council} Council which shall be composed as follows:

- (a) the Minister of Health or his representative *ex officio*;

(b)

- (b) members elected by the registered nurses of Ontario in accordance with the regulations;
- (c) members appointed by the Registered Nurses' Association of Ontario in accordance with the regulations;
- (d) members appointed by the Association of Certified Nursing Assistants of Ontario in accordance with the regulations.

Provisional
council

R.S.O. 1960,
c. 264

4. Until the first Council is elected, the affairs of the College shall be administered by a provisional council composed of five nurses registered under *The Nurses Registration Act* and appointed by the Lieutenant Governor in Council.

Schools of
nursing
and
training
centres

5. No person shall establish, maintain or conduct a school of nursing or a training centre except in accordance with the regulations.

Regulations

6. The Council, including the provisional council referred to in section 4, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) governing the composition of the Council, including the number, procedure for election and term of office of the members to be elected and the number and term of office of the members to be appointed;
- (b) fixing the remuneration of the members of the Council and providing for the payment of necessary expenses of the Council in the conduct of its business;
- (c) prescribing the powers of the Council and the procedure of the Council at its meetings;
- (d) prescribing the requirements for approval of schools of nursing and training centres and for the cancellation of such approval;
- (e) providing for the inspection of schools of nursing and of training centres;
- (f) prescribing the requirements for admission to schools of nursing and training centres and the courses of instruction therein;
- (g) providing for the holding of examinations for persons who are in attendance at or graduates of schools of nursing and training centres;

- (h) for the registration of graduates of schools of nursing located within or without Ontario and the issue, suspension, cancellation and renewal of registration;
- (i) for the registration of graduates of training centres located within or without Ontario and the issue, suspension, cancellation and renewal of registration;
- (j) prescribing the fees for examinations, registration and renewal of registration of nurses and nursing assistants;
- (k) governing the disciplinary powers of the Council or a committee of the Council with respect to registered nurses and registered nursing assistants, including the power to suspend or cancel their registration; and
- (l) prescribing the standards for approval of nursing registries.

7. The Council shall keep a register containing information ^{Register} about every person who has been granted registration as a registered nurse or registered nursing assistant under this Act.

8. No person shall hold herself or himself out to the public ^{Prohibitions} by any title, designation or description as a registered nurse or registered nursing assistant and under such title, designation or description offer to render or render services of any kind to one or more persons for a fee or other remuneration unless such person is registered under this Act.

9.—(1) No person shall use the title “registered nurse” ^{Title, Reg. N., R.N.} or the designation “Reg.N.” or “R.N.” unless such person is registered as a nurse under this Act.

(2) No person shall use the title “registered nursing assistant” or “certified nursing assistant” or the designation ^{Title, R.N.A., C.N.A.} “R.N.A.” or “C.N.A.” unless such person is registered as a nursing assistant under this Act.

10. The powers of the College include,

^{Powers of College}

- (a) assisting financially and otherwise in researches in nursing education and practice;
- (b) the use of unsworn oral and written statements in the course of any disciplinary inquiry;

(c)

- (c) publication of the decision of any disciplinary inquiry and all or any of the information used in the inquiry;
- (d) the establishment and maintenance of a superannuation plan for its officers and employees, and the making of contributions from the funds of the College for that purpose;
- (e) issuing certificates of approval to nursing registries that comply with standards established by the regulations.

Review
by judge

11.—(1) If the Council refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

Idem

(2) Every such order is final and conclusive and shall be acted upon forthwith by the Council.

Actions
against
College

12. No action, prosecution or other proceeding shall be brought or be instituted against the College or any officer, clerk or servant of the College or the Council or any member of the Council or its committees for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority.

Penalties

13. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for a first offence and not more than \$500 for any subsequent offence.

Repeal:

14.—(1) The following are repealed:

R.S.O. 1960,
c. 264

1. *The Nurses Registration Act.*

R.S.O. 1960,
c. 265

2. *The Nursing Act.*

1960-61,
c. 62

3. *The Nursing Amendment Act, 1960-61.*

(2) Every person who is registered under the Acts mentioned in subsection 1 at the date of their repeal shall be registered under this Act upon payment of the fee prescribed in the regulations.

Continuation of registration

(3) Every person who was entitled to registration under the Acts mentioned in subsection 1 at the date of their repeal is entitled to be registered under this Act if that person applies for registration and pays the fee within such period as is prescribed by the regulations.

Entitlement to registration

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commencement

16. This Act may be cited as *The Nurses Act, 1961-62*.

Short title

CHAPTER 91

**An Act to amend
The Ontario Energy Board Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Ontario Energy Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 271, s. 17,
amended

(1a) Notwithstanding anything to the contrary, the Board Idem may dispense with the determination of a rate base,

(a) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(c) in the case of an order under subsection 4 of section 14 or subsection 4 of this section.

(2) Subsections 3 and 4 of the said section 17 are repealed and the following substituted therefor: R.S.O. 1960,
c. 271, s. 17,
subss. 3, 4,
re-enacted

(3) Subject to subsection 5, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. Idem

(4) The Board may, at the request of any applicant, without a hearing, make one or more orders under Idem

subsection 1,

subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

- (a) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;
- (b) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;
- (c) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;
- (d) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or
- (e) where the application does not request an increase in the rates or other charges presently charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

- (5) The Board, of its own motion, may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and may, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1961-62*.

CHAPTER 92

**An Act to amend
The Ontario Highway Transport Board Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Ontario Highway Transport Board Act* is amended by striking out "one of them as vice-chairman" in the third line and inserting in lieu thereof "not more than two of them as vice-chairmen", so that the subsection shall read as follows:

R.S.O. 1960,
c. 273, s. 2,
subs. 2,
amended

(2) The members shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as chairman and not more than two of them as vice-chairmen.

Appointment

2. Section 5 of *The Ontario Highway Transport Board Act* is amended by adding at the commencement thereof "Subject to section 5a", so that the section shall read as follows:

R.S.O. 1960,
c. 273, s. 5,
amended

5. Subject to section 5a, two members of the board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the board.

Quorum

3. *The Ontario Highway Transport Board Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 273,
amended

5a.—(1) The chairman may authorize one member of the Board to conduct the hearing of an application and to report to the Board, and such member has all the powers of the Board for the purpose of such hearing.

One member
may conduct
hearing

(2) The report of such member may be adopted as the order of the Board by two members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board deems proper.

Report

R.S.O. 1960,
c. 273, s. 20,
re-enacted

4. Section 20 of *The Ontario Highway Transport Board Act*, as amended by section 1 of *The Ontario Highway Transport Board Amendment Act, 1960-61*, is repealed and the following substituted therefor:

L.G. in C.
may confirm,
vary or
rescind
orders

20. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1961-62*.

CHAPTER 93

**An Act to establish the Ontario Code
of Human Rights and to provide
for its Administration**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS recognition of the inherent dignity and the Preamble
equal and inalienable rights of all members of the human
family is the foundation of freedom, justice and peace in the
world and is in accord with the Universal Declaration of
Human Rights as proclaimed by the United Nations;

AND WHEREAS it is public policy in Ontario that every
person is free and equal in dignity and rights without regard
to race, creed, colour, nationality, ancestry or place of origin;

AND WHEREAS these principles have been confirmed in
Ontario by a number of enactments of this Legislature;

AND WHEREAS it is desirable to enact a measure to codify
and extend such enactments and to simplify their administra-
tion;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

PART I

1.—(1) No person shall publish or display or cause to be Discrimina-
published or displayed or permit to be published or displayed tion pro-
any notice, sign, symbol, emblem or other representation hibited in
indicating discrimination or an intention to discriminate notices,
against any person or any class of persons for any purpose signs, etc.
because of the race, creed, colour, nationality, ancestry or
place of origin of such person or class of persons.

(2) Nothing in this section shall be deemed to interfere Exception
with the free expression of opinion upon any subject. as to R.S.O. matters of
1960, c. 131, s. 3, *amended*. opinion

Discrimination prohibited in places to which public admitted

2. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or
- (b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. R.S.O. 1960, c. 131, s. 2; 1960-61, c. 28, s. 1, *amended*.

Discrimination prohibited in apartment buildings

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons occupancy of any apartment in any building that contains more than six self-contained dwelling units; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains more than six self-contained dwelling units,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. 1960-61, c. 28, s. 2, *amended*.

Employers not to discriminate in employment practices

4.—(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership in trade union

(2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 132, ss. 2, 3.

Employment applications and advertisements not to discriminate

(3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of

any person or that requires an applicant to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 132, s. 4, *amended*.

(4) This section does not apply,

Where
section does
not apply

(a) to a domestic employed in a private home;

(b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;

(c) to an employer who employs fewer than five employees. R.S.O. 1960, c. 132, s. 5.

5.—(1) No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment.

Equal pay
for equal
work

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex does not constitute a failure to comply with this section. R.S.O. 1960, c. 139, s. 2, *amended*.

Saving

PART II

6.—(1) The Ontario Human Rights Commission is continued. *New*.

Commission
continued

(2) The Commission shall be composed of three or more members as may be fixed from time to time by the Lieutenant Governor in Council.

Composition

(3) The members of the Commission shall be appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 270, s. 2 (2), *amended*.

Members

(4) The Lieutenant Governor in Council may designate one of the members as chairman.

Chairman

(5) The Lieutenant Governor in Council may fill any vacancy in the membership of the Commission.

Vacancies

(6) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. R.S.O. 1960, c. 270, s. 2 (3-5).

Remunera-
tion

Responsibility

7. The Commission is responsible to the Minister for the administration of this Act. *New.*

Function

8. The Commission has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission,

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;
- (b) to promote an understanding of, acceptance of and compliance with this Act;
- (c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, creed, colour, nationality, ancestry or place of origin. R.S.O. 1960, c. 270, s. 3; 1960-61, c. 63, s. 3, *amended*.

Staff

9. The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and servants of the Commission as are deemed appropriate. R.S.O. 1960, c. 270, s. 4.

Cost

10. The cost of the administration of this Act is payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 270, s. 5.

Regulations

11. The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 270, s. 6, *amended*.

PART III

Complaints

12.—(1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.

Form of complaint

(2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office. R.S.O. 1960, c. 131, s. 4; c. 132, s. 6; c. 139, s. 3, *amended*.

13.—(1) If the Commission is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Commission, appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act. ^{Boards of inquiry}

(2) The board has all the powers of a conciliation board under section 28 of *The Labour Relations Act*. ^{Powers R.S.O. 1960, c. 202}

(3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint. ^{Duties}

(4) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board. ^{Majority recommendations to prevail}

(5) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified. ^{Clarification of recommendations}

(6) The Minister, on the recommendation of the Commission, may issue whatever order he deems necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms. ^{Minister's order}

(7) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of the boards of inquiry appointed under this section. ^{Remuneration} R.S.O. 1960, c. 131, s. 5; c. 132, s. 7; c. 139, s. 4, *amended*.

PART IV

14.—(1) Every person who contravenes any provision of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable, ^{Offence}

(a) if an individual, to a fine of not more than \$100; or

(b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$500. R.S.O. 1960, c. 131, s. 6 (1); c. 132, s. 8 (1); c. 139, s. 5 (1), *amended*.

Disposition
of fines

(2) The fines recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 131, s. 6 (2); c. 132, s. 8 (2); c. 139, s. 5 (2).

Consent to
prosecution

15. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. R.S.O. 1960, c. 131, s. 7; c. 132, s. 10 (1); c. 139, s. 6, *amended*.

Style of
prosecutions

16. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. R.S.O. 1960, c. 132, s. 9.

Injunction
proceedings

17.—(1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such contravention.

Idem

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1960, c. 131, s. 8, *amended*.

PART V

Interpre-
tation

18. In this Act,

- (a) "Commission" means the Ontario Human Rights Commission; R.S.O. 1960, c. 270, s. 1, cl. (a), *amended*.
- (b) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees; R.S.O. 1960, c. 132, s. 1, cl. (c).
- (c) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons; R.S.O. 1960, c. 132, s. 1, cl. (b).

(d)

- (d) “establishment” means a place of business or the place where an undertaking or a part thereof is carried on; R.S.O. 1960, c. 139, s. 1, cl. (b).
- (e) “Minister” means the Minister of Labour or such other member of the Executive Council to whom this Act is assigned by the Lieutenant Governor in Council; R.S.O. 1960, c. 131, s. 1, cl. (a); c. 132, s. 1, cl. (d); c. 139, s. 1, cl. (c); c. 270, s. 1, cl. (b), *amended*.
- (f) “pay” means remuneration in any form; R.S.O. 1960, c. 139, s. 1, cl. (d).
- (g) “person”, in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers’ organization and a trade union; ^{c. 191} R.S.O. 1960,
- (h) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers. R.S.O. 1960, c. 132, s. 1, cls. (e, f).

PART VI

19. *The Fair Employment Practices Act, The Female Employees’ Fair Remuneration Act, The Fair Accommodation Practices Act, The Ontario Human Rights Commission Act, The Fair Accommodation Practices Amendment Act, 1960-61* and *The Ontario Anti-Discrimination Commission Amendment Act, 1960-61* are repealed. ^{R.S.O. 1960, cc. 132, 139, 131, 270; 1960-61, cc. 28, 63, repealed}

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-ment}

21. This Act may be cited as *The Ontario Human Rights Code, 1961-62*. ^{Short title}

CHAPTER 94

**An Act respecting a Certain Dispute between
The Hydro-Electric Power Commission of
Ontario and The Ontario Hydro
Employees' Union, N.U.P.S.E., C.L.C.**

*Assented to April 5th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Hydro-Electric Power Commission of ^{Preamble}
Ontario and The Ontario Hydro Employees' Union,
N.U.P.S.E., C.L.C., have been parties to several collective
agreements, the latest of which has expired;

AND WHEREAS the Commission and the Union have bargained for a new collective agreement and to that end have exhausted conciliation services under *The Labour Relations Act*; ^{R.S.O. 1960, c. 202}

AND WHEREAS the terms of the new collective agreement remain unsettled;

AND WHEREAS the public interest requires that means be found for the settlement of all issues between the Commission and the Union in order that a new collective agreement may be consummated;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "collective agreement" has the same meaning as in *The Labour Relations Act*;
- (b) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (c) "lock-out" has the same meaning as in *The Labour Relations Act*;
- (d) "person" includes the Union;

(e)

R.S.O. 1960,
c. 202

(e) "strike" has the same meaning as in *The Labour Relations Act*;

(f) "Union" means The Ontario Hydro Employees' Union, N.U.P.S.E., C.L.C.

Appointment
of arbitrator

2.—(1) The Lieutenant Governor in Council shall appoint an arbitrator to examine into and decide all matters that were in dispute between the Commission and the Union on the 24th day of August, 1961, and such other matters as the Commission and the Union may agree upon and that appear to the arbitrator to be necessary to be decided in order to conclude a collective agreement between the Commission and the Union.

Powers of
arbitrator

(2) The arbitrator shall have all the powers of an arbitrator under *The Labour Relations Act*, and the arbitrator shall remain seized of and may deal with all matters referred to in subsection 1 until a new collective agreement between the Commission and the Union has been consummated under this Act.

R.S.O. 1960,
c. 18, not
to apply

(3) *The Arbitrations Act* does not apply to the arbitration under this Act.

Decision
binding

3.—(1) The decision of the arbitrator under this Act shall be binding upon the Commission and the Union and the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*.

Agreement
to be made

(2) Upon receipt of the decision of the arbitrator under this Act, the Commission and the Union shall consummate a collective agreement incorporating therein the terms of such decision.

Enforcement
of decision

(3) Where the Commission or the Union has failed to comply with any of the terms of the decision of the arbitrator under this Act, the Commission or the Union, as the case may be, may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Costs

4. The Commission and the Union shall assume its own costs of the arbitration proceedings, and the cost of the arbitrator shall be paid out of the Consolidated Revenue Fund.

5.—(1) Notwithstanding any other Act, the Commission shall not call or authorize a lock-out of any employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*, and the Union shall not call or authorize a strike of any such employees, and no officer, official or agent of either the Commission or the Union shall counsel, procure, support or encourage any such lock-out or strike.

Lock-outs
and strikes
prohibited

(2) Notwithstanding any other Act, no employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* shall strike.

Idem

R.S.O. 1960,
c. 202

(3) Every person who at the commencement of this Act was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act.

Suspension
of strike
notice

(4) So long as this Act is in force, the Commission shall not, except with the consent of the Union, alter the rates of wages or any other term or condition of employment of the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* that were in effect when this Act came into force.

Working
conditions
may not
be altered

6.—(1) Every person who calls or authorizes or counsels, procures, supports or encourages a lock-out or strike contrary to this Act or who fails to give the notice mentioned in subsection 3 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day or part of a day during which the lock-out or strike exists.

Offences
and
penalties

(2) Every person who engages in a lock-out or strike contrary to this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 for each day or part of a day during which the lock-out or strike exists.

Idem

7. No prosecution shall be instituted under this Act without the consent of the Ontario Labour Relations Board.

Consent to
prosecute

8. Every fine recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Disposition
of fines

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which a new collective agreement between the Commission and the Union commences to operate.

Short title

10. This Act may be cited as *The Ontario Hydro-Employees' Union Dispute Act, 1961-62*.

CHAPTER 95

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000. Loans up to \$125,000,000 authorized R.S.O. 1960, c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem R.S.O. 1960, c. 142

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1961-62*.

CHAPTER 96

An Act to amend The Ontario Municipal Board Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 53,
subs. 1,
cl. *k*,
re-enacted

- (*k*) where water or sewage service is supplied or to be supplied by one municipality to another municipality, to hear and determine the application of either municipality to confirm, vary or fix rates charged or to be charged in connection with such water or sewage service.

2. Subsection 2*a* of section 63 of *The Ontario Municipal Board Act*, as enacted by section 2 of *The Ontario Municipal Board Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 274, s. 63,
subs. 2*a*
(1960-61,
c. 68, s. 2),
amended

- (2*a*) The Board may direct that the notice to be given shall state that anyone objecting to dispensing with the assent of the electors may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipality or, in the case of a local board, with the secretary of the local board his objection to dispensing with the assent of the electors.

Notice to
provide for
filing of
objections

3.—(1) Section 94 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 94,
re-enacted

94. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, confirm, vary or rescind orders

Lieut. Gov.
in Council
may
confirm, vary
or rescind
orders

(a)

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Orders of
Board
heretofore
made

(2) For the purposes of section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1, the date of every order, decision, rule or regulation heretofore made by the Board shall be deemed to be the date this section comes into force.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1961-62*.

CHAPTER 97

**An Act to establish the Ontario
Municipal Employees Retirement System**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "approved pension plan" means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) "benefit" means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) "Board" means the Ontario Municipal Employees Retirement Board;
- (d) "earnings" means the salary or wages paid by an employer to a member and includes the value of any perquisites received from an employer;
- (e) "employee" means any person who is employed by an employer but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; R.S.O. 1960,
c. 392, 301, 332
- (f) "employer" means a municipality or local board;
- (g) "Fund" means the Ontario Municipal Employees Retirement Fund;
- (h) "local board" means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf R.S.O. 1960,
c. 98

of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council;

- (i) "member" means a person who has become a member of the System;
- (j) "Minister" means the Minister of Municipal Affairs;
- (k) "municipality" includes The Municipality of Metropolitan Toronto;
- (l) "pension" means an amount that is payable at periodic intervals in accordance with the regulations;
- (m) "prior service" means the service of an employee before the date upon which this Act and the regulations become applicable to the employer;
- (n) "regulations" means the regulations made under this Act;
- (o) "service" means employment by an employer of an employee for which the employee receives earnings;
- (p) "System" means the Ontario Municipal Employees Retirement System.

System
established

2. A system is hereby established for the employees of municipalities and local boards to be known as the Ontario Municipal Employees Retirement System.

Board
established

3.—(1) The Ontario Municipal Employees Retirement Board is hereby established as a corporation, and the management and administration of the System are vested in the Board.

Remunera-
tion of
members of
Board

(2) The remuneration of the members of the Board shall be as recommended by the Board and approved by the Minister.

Officers
and staff

(3) The Board shall appoint a secretary-treasurer, an auditor, an actuary and such legally qualified medical practitioners, advisors and employees as are necessary to carry out the responsibilities of the Board, and determine the remuneration and other rewards of employees and other persons engaged by the Board.

Board to
pay over
money

(4) The Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year.

(5) The Board may make such rules and regulations for the management and administration of the System as it deems ^{Board rules and regulations} advisable.

(6) The Board shall, after the close of each fiscal year, ^{Annual report} make a report upon its affairs during the preceding year to the Minister, and every such report shall contain a financial statement certified by the auditor, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

4.—(1) The Ontario Municipal Employees Retirement ^{Fund established} Fund is hereby established for the payment of pension benefits to members, their widows and children, in accordance with the regulations.

(2) The Fund shall include the cash, investments and other ^{What Fund to include} assets and the liabilities and the reserves of the Board.

(3) The contributions of the employers and of the members, ^{Deposits in Fund} the income from investments and any other credits of the Board shall be deposited in the Fund.

(4) The benefits and the expenses of the Board shall be paid ^{Payments out of Fund} out of the Fund.

5. The auditor appointed by the Board shall audit the ^{Auditor} transactions of the Board and shall make a report to the Board on the annual financial statement of the Fund and shall state in his report whether in his opinion the annual financial statement presents fairly the financial position of the Fund and the results of its operation for the year.

6.—(1) The actuary appointed by the Board shall make ^{Actuarial valuation} an actuarial study and valuation of the assets and liabilities of the Fund as required by the Board, but not less frequently than at three-year intervals, and shall report thereon to the Board and shall make such recommendations to the Board as he deems advisable for the proper management and administration of the System.

(2) The report to the Board shall include a statement of ^{Idem} the actuarial assumptions used by the actuary in the preparation of the valuation mentioned in subsection 1.

7.—(1) In each year during the period commencing on ^{Issue Province of Ontario debentures until 1973} the day this Act comes into force and ending on the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money

accumulated

accumulated to the credit of the Fund from time to time and not required for current expenditures, such debentures to become due and payable on the 31st day of December, 1973, and to bear interest at the rate of 5 per cent per annum payable half-yearly.

1973 issue
of 40-year
debentures
authorized

(2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated in the Fund and not required for current expenditures and for the amount of the debentures issued under subsection 1, such debentures to become due and payable on the 31st day of December, 2013, and to bear interest at the rate of 5 per cent per annum payable half-yearly.

Debentures
authorized,
10-year
periods

(3) In every year during each ten-year period following the 1st day of January, 1974, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debentures to become due and payable on the last day of such ten-year period and to bear interest payable half-yearly at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council as being applicable for that period.

40-year
debentures

(4) On the 31st day of December, 1983, and on the 31st day of December of each succeeding ten-year period, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated in the Fund and not required for current expenditures and for the amount of the debentures issued during the next preceding ten-year period under subsection 3, such debentures to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures issued under subsection 3 during the ten-year period next preceding the date of the issue of such forty-year debentures.

Charge on
Consolidated
Revenue
Fund

(5) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund.

Province of
Ontario
debentures
authorized
to be
delivered

(6) The Treasurer of Ontario shall deliver to the Board the Province of Ontario debentures as authorized in this section,

(a) upon delivery to him of a cheque drawn on the Fund for the principal amount of the debentures plus any accrued interest thereon;

(b) upon delivery to him of an equal amount of Province of Ontario debentures that were issued under the authority of this section; or

(c)

- (c) upon delivery of a cheque and Province of Ontario debentures that were issued under the authority of this section, the sum of which is equal to the amount of the Province of Ontario debentures to be delivered.

8.—(1) Notwithstanding any general or special Act, on and after such date as is designated by the Lieutenant Governor in Council, an employer shall not make a contribution for the provision of a pension to,

Contributions after designated date

- (a) a person who enters the employ of the employer on or after such date; or
- (b) a person who entered the employ of the employer before such date and is entitled to become a member,

unless the contributions required to be made in respect of such person under this Act and the regulations have been made.

(2) If an employer is required to make contributions to an approved pension plan under the terms of a bargaining agreement with respect to any employees, subsection 1 does not apply to the employer in respect of such employees until the agreement is terminated or until three years after the date designated under subsection 1, whichever is the earlier.

Contributions under bargaining agreement

(3) Subsection 1 applies *mutatis mutandis* to employers who commence to participate in the System before the date designated under subsection 1.

Application of subs. 1

9. The contributions of the members shall be as prescribed in the regulations.

Contributions of members

10. The contributions of the employers who participate in the System shall be such an amount as is required, in addition to the contributions of the members and the interest earned by the Fund, to provide for the payment of the benefits and the expenses under the regulations.

Contributions of employers

11. The interest of a person in the Fund and in any benefit under this Act is not subject to garnishment, attachment, seizure or other process of law, and is not assignable.

No attachments, etc.

12. Any sum the payment of which has not been made by an employer as required in the regulations is a debt recoverable from the employer by the Board in a court of competent jurisdiction.

Sum payable by employer recoverable

Expenses of
formation
of System

13. Notwithstanding subsection 4 of section 4, the expenses incurred by the Board in the formation of the System, as approved by the Lieutenant Governor in Council, shall be charged to the Consolidated Revenue Fund.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the composition of the Board and the appointment of the members of the Board;
- (b) governing the operation and administration of the Board including the powers and duties of the officers and employees of the Board;
- (c) governing the administration of the Fund including the receipt, deposit and payment of all moneys of the Fund, the temporary investment of any moneys of the Fund, the receipt, safekeeping and delivery of securities of the Fund, the borrowing of such sums as are necessary and the procedures for the determination of benefits;
- (d) requiring participating employers to pay to the Fund the contributions of employers and members and to pay interest at a prescribed rate on amounts of contributions that are overdue and unpaid, and to furnish information to the Board;
- (e) authorizing the Board to accept securities or any class thereof from participating employers as a payment on account of contributions in respect of prior service, and to determine the price of the securities;
- (f) providing for the participation of employers and for the membership of employees in the System, and the terms and conditions upon which such participation and membership are permitted;
- (g) prescribing the rates of contributions of the members and the principles for the determination of the rates of contributions of the employers;
- (h) providing for and defining,
 - (i) a normal retirement pension,
 - (ii) a disability retirement pension,
 - (iii) a pension to the widow or children,

(iv)

- (iv) a deferred pension,
- (v) an early retirement pension,
- (vi) a refund of the member's contributions, plus interest thereon,

and prescribing the terms and conditions upon which such benefits shall be paid;

- (i) providing for the transfer from or to the Fund of a pension entitlement;
- (j) prescribing the terms and conditions upon which pensions in respect of prior service may be provided;
- (k) prescribing the duties of employers and of members with respect to the System;
- (l) prescribing the duties and liabilities of members and their employers with respect to contributions and rights of employees and employers under approved pension plans;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

15.—(1) An employer may by by-law or resolution participate in the System and pay to the Fund the total of the employer and employee contributions, and has all of the powers necessary and incidental thereto. ^{Power of employer to participate in System}

(2) No by-law or resolution passed under subsection 1 shall be amended or repealed without the approval of the Minister. ^{Amendment or repeal}

16. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

17. This Act may be cited as *The Ontario Municipal Employees Retirement System Act, 1961-62*. ^{Short title}

CHAPTER 98

An Act to amend The Ontario Parks Integration Board Act

Assented to (except sec. 1 (2)) December 15th, 1961

Sec. 1 (2) assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 1 of *The Ontario Parks Integration Board Act* is amended by striking out “the Minister of Planning and Development” in the fifth and sixth lines and inserting in lieu thereof “the Minister of Economics and Development”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 277, s. 1,
subs. 2,
amended

(2) The Board shall be composed of the chairman of The Niagara Parks Commission, the chairman of The Ontario-St. Lawrence Development Commission or a vice-chairman of that Commission designated by the Commission, the Treasurer of Ontario, the Minister of Lands and Forests, the Minister of Economics and Development and their successors in office from time to time.

Composition

(2) The said section 1 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 277, s. 1,
amended

(3) In addition to the members of the Executive Council specified in subsection 2, the Lieutenant Governor in Council may specify one or more other members of the Executive Council to be members of the Board.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1961-62*.

Short title

CHAPTER 99

An Act to amend The Ontario Water Resources Commission Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *q* and *r* of section 1 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 281, s. 1,
cls. *q*, *r*,
re-enacted

(*q*) “sewage works” means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *e* of subsection 1 of section 47 apply;

(*r*) “water works” means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *e* of subsection 1 of section 47 apply.

2. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 281,
amended

16a. Any municipality may enter into agreements with the Commission under clause *d* of subsection 1 of section 16, and subsections 4 to 8 of section 39, section 41 and subsection 6 of section 42 apply *mutatis mutandis* to such agreements. Agreements
under
section 16

3. Section 17 of *The Ontario Water Resources Commission Act* is amended by striking out “of” where it occurs the first time in the fourth line and inserting in lieu thereof “or”, so that the section shall read as follows: R.S.O. 1960,
c. 281, s. 17,
amended

17. The Commission may for its purposes exercise any or all of the powers that are conferred by any general Municipal
powers

Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works.

R.S.O. 1960,
c. 281, s. 20,
amended

4. Section 20 of *The Ontario Water Resources Commission Act* is amended by striking out "of Canada" in the third line and inserting in lieu thereof "or a Province of Ontario Savings Office", so that the section shall read as follows:

Deposit and
investment
of moneys

20. Without limiting sections 43, 44 and 45, the Commission shall deposit any moneys in its hands in accounts in one or more chartered banks or a Province of Ontario Savings Office or with the Treasurer of Ontario and may in its discretion invest any such moneys in bonds, debentures or other securities of or guaranteed by Canada or any province of Canada or the United Kingdom or in securities of the United States of America.

R.S.O. 1960,
c. 281, s. 27,
subs. 1,
re-enacted

5. Subsection 1 of section 27 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Discharge
of polluting
material
prohibited

(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. b,
amended

6.—(1) Clause *b* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by striking out "first" in the third line, so that the clause shall read as follows:

(b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after this section comes into force; or

.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
amended

(2) The said section 28a is amended by adding thereto the following subsection:

(5)

- (5) Every person who contravenes subsection 2 or any ^{Offence} of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for every day the contravention continues.

7. *The Ontario Water Resources Commission Act* is amended ^{R.S.O. 1960, c. 281, amended} by adding thereto the following section:

28b.—(1) No person shall add any substance to the ^{Addition of substances to water regulated} water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse for the purpose of killing or affecting plants, snails, insects, fish or other living matter or thing therein without a permit issued by the Commission.

- (2) Subsection 1 does not apply to any person or to ^{Application of subs. 1} substances or any quantity or concentration thereof exempted from the application of subsection 1 by the regulations made under this Act.

- (3) The Commission may in its discretion issue, refuse ^{Permit} to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper, and may alter the terms and conditions of a permit after it is issued.

- (4) Every person who contravenes subsection 1 or any ^{Offence} of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

8. Section 30 of *The Ontario Water Resources Commission Act* is amended ^{R.S.O. 1960, c. 281, s. 30, amended} by adding thereto the following subsection:

- (6) Subsections 1 and 2 do not apply, ^{Application}

(a) to a water works to be used only for supplying water, for agricultural, commercial or industrial purposes, that is not required under any Act or regulation to be fit for human consumption;

(b) to a water works not capable of supplying water at a rate greater than 10,000 gallons per day;

(c) to a privately-owned water works to be used to supply water only for five or fewer private residences; and

(d)

- (d) to such water works as may be exempted therefrom by regulations made under this Act.

R.S.O. 1960,
c. 281, s. 31,
amended

9. Section 31 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

Application

(4) This section does not apply,

- (a) to a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (b) to a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;
- (c) to a privately-owned sewage works serving only five or fewer private residences;
- (d) to a sewage works the main purpose of which is to drain agricultural lands;
- (e) to a drainage work under *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*;
- (f) to such sewage works as may be exempted therefrom by regulations made under this Act;

R.S.O. 1960,
cc. 253, 109,
47, 171

R.S.O. 1950,
c. 131

but this section does apply to a sewage works for the distribution of sewage on the surface of the ground for the purpose of disposing of the sewage.

R.S.O. 1960,
c. 281, s. 32,
subss. 1, 2,
re-enacted

10.—(1) Subsections 1 and 2 of section 32 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

Extension of
sewage works
into another
municipality,
etc.

- (1) Where any municipality contemplates extending its sewage works into another municipality or other municipalities or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of each other municipality concerned and to such other persons and in such manner as the Commission may direct.

- (2) Any public hearing required by this section may be ^{Hearing} held by any member of the Commission and he shall report thereon to the Commission.

(2) Subsection 3 of the said section 32 is amended by in- <sup>R.S.O. 1960,
c. 281, s. 32,
subs. 3,
amended</sup>serting after "municipalities" in the fourth line "or territory without municipal organization" and by inserting after "municipalities" in the sixth line "or territory", so that the subsection shall read as follows:

- (3) Where the Commission has given its approval under <sup>Powers of
municipality
after
approval</sup> section 31 to an extension under subsection 1, the municipality undertaking the extension may enter upon, take and use such lands in such other municipality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 83 of subsection 1 of section 379 of *The Municipal Act* does not <sup>R.S.O. 1960,
c. 249</sup> apply.

11. Subsection 4 of section 39 of *The Ontario Water Resources Commission Act* is amended by striking out "and no indebtedness of the Commission and no indebtedness of a municipality to the Commission shall be included in the general debt of a municipality for the purpose of the recitals in any by-law of that municipality for the creation of a debt by the issue of debentures" in the fifth, sixth, seventh, eighth and ninth lines, so that the subsection shall read as follows: <sup>R.S.O. 1960,
c. 281, s. 39,
subs. 4,
amended</sup>

- (4) Notwithstanding *The Municipal Act* or any other <sup>Assent of
electors
not
required
R.S.O. 1960,
c. 249</sup> Act, it is not necessary for the council of any municipality to obtain the assent of the electors to the passing of any such by-law or the entering into of any such agreement with the Commission.

12. Subsection 3 of section 43 of *The Ontario Water Resources Commission Act* is amended by inserting after "bank" where it occurs the first time in the fourth line "or Province of Ontario Savings Office", so that the subsection shall read as follows: <sup>R.S.O. 1960,
c. 281, s. 43,
subs. 3,
amended</sup>

- (3) All amounts placed by the Commission to the credit <sup>O.W.R.C.
Reserve
Account</sup> of all reserve accounts under subsection 1 shall be deposited by the Commission as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Reserve Account" and the earnings in each year on

the

the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts.

R.S.O. 1960,
c. 281, s. 44,
subs. 1,
amended

13. Subsection 1 of section 44 of *The Ontario Water Resources Commission Act* is amended by inserting after "bank" where it occurs the first time in the fourth line "or Province of Ontario Savings Office", so that the subsection shall read as follows:

O.W.R.C.
Debt
Retirement
Account

- (1) All moneys received by the Commission from all municipalities under paragraph 2 of subsection 1 of section 40 shall be deposited by the Commission as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Debt Retirement Account" and may be applied by the Commission to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, provided always that the moneys paid by any municipality and deposited in the Commission Debt Retirement Account in respect of any project shall be retained in the Commission Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 40.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
cl. *jj*
(1960-61,
c. 71, s. 5),
re-enacted

14.—(1) Clause *jj* of subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is repealed and the following substituted therefor:

- (*ja*) exempting any person or any substance or quantity or concentration thereof from subsection 1 of section 28*b*.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

(2) Subsection 1 of the said section 47 is amended by adding thereto the following clause:

(*ka*)

- (ka) exempting any sewage works or any class or type thereof from section 31 and any water works or any class or type thereof from subsections 1 and 2 of section 30.

15. Section 47a of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 47a
(1960-61,
c. 71, s. 6),
re-enacted

47a.—(1) Where a local municipality undertakes to carry out inspections with respect to plumbing as prescribed by regulations made under section 47, the local municipality and the local board of health of the municipality or, where a local board of a health unit has jurisdiction in the municipality, the local board of the health unit may enter into agreements providing that the local board shall carry out such inspections upon such terms and conditions as may be agreed upon.

Plumbing
inspection,
by local
municipality
or local
board of
health

- (2) Where a county council by a two-thirds vote provides that such inspections shall be carried out by the county, such inspections shall be carried out in the municipalities that form part of the county for municipal purposes only by the county, provided that, where there is a health unit in the county, the county and the local board of the health unit may enter into agreements providing that the board shall carry out such inspections upon such terms and conditions as may be agreed upon.

by county
or health
unit

- (3) Where a county and a local board of a health unit have entered into an agreement under subsection 2 and the local board does not have jurisdiction in all of the municipalities that form part of the county for municipal purposes, the county shall carry out such inspections in the municipalities that do not form part of the health unit.

by county
and health
unit

47b.—(1) Where a local municipality, a county or a local board of health or the local board of a health unit undertakes under section 47a or the regulations made under section 47 or under an agreement to inspect plumbing, the municipality or local board, as the case may be, may pass by-laws,

Plumbing
inspection
by-laws

- (a) providing for such inspections and for appointing one or more inspectors for such purpose;

(b)

- (b) for charging fees for such inspections and fixing the amounts thereof;
- (c) for requiring the production of plans of plumbing that is to be constructed, repaired, renewed or altered and of the location of drains, pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered;
- (d) for prohibiting the use of such plumbing until it has been inspected and found to conform to the regulations made under clause *e* of subsection 1 of section 47.

Penalties
R.S.O. 1960,
c. 249

- (2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

Inspector may enter premises

- (3) An inspector may at all reasonable hours enter any premises to inspect plumbing to which the regulations made under section 47 are applicable, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

Interpretation

- 47c.—(1) In this section, “owner” includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

Owner may be required to make plumbing conform to code

- (2) Where a person has been convicted of constructing, repairing, renewing or altering plumbing in a manner that does not conform to the regulations made under section 47 and the time for appealing such conviction has elapsed and no appeal from such conviction is pending, the municipality or local board responsible for inspecting such plumbing may, by notice sent by registered mail to the owner of the land and premises in which the plumbing is located,

require

require him to make the plumbing conform to such regulations within such period as may be stated in the notice.

- (3) The notice shall specify wherein the plumbing does ^{Notice} not conform to the regulations and that, if it is not made to conform within the period stated in the notice, the work may be done by the municipality or local board in accordance with subsection 4.
- (4) If the owner of the land and premises does not ^{Work may be done by municipality} comply with the notice, the municipality or local board that sent the notice may, at the expense of the owner, make the plumbing conform to the regulations, and for that purpose its servants and agents may from time to time enter upon the land and premises.
- (5) The municipality or local board that caused the work ^{Collection of expenses} to be done to make the plumbing conform has a lien for the amount expended by it or on its behalf together with interest at the rate of 6 per cent per annum upon the land and premises in which the plumbing is located, and the municipality or local board may direct that such amount with interest be added to the collector's roll of the local municipality in which the land and premises are situated and collected in like manner as municipal real property taxes and paid over to the municipality or local board, as the case may be.

16. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

17. This Act may be cited as *The Ontario Water Resources* ^{Short title} *Commission Amendment Act, 1961-62.*

CHAPTER 100

**An Act to amend
The Ophthalmic Dispensers Act, 1960-61**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

7a.—(1) Notwithstanding section 7, the Board may establish a special register for the registration of persons and classes of persons designated by the regulations.

(2) The persons registered in the special register may practise ophthalmic dispensing in the manner and subject to the conditions, limitations and restrictions prescribed by the regulations. Practice
of special
registrants

2. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

21a. Nothing in this Act prevents the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses, but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. Retail
merchants

3. Section 22 of *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following clause: 1960-61,
c. 72, s. 22,
amended

(ca) prescribing the persons or classes of persons who may be registered in the special register and the manner in which, and the conditions, limitations and restrictions subject to which, they may practise ophthalmic dispensing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1961-62*.

CHAPTER 101

The Optometry Act, 1961-62

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the College;
- (b) "College" means the College of Optometrists of Ontario;
- (c) "member" means a member of the College;
- (d) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses, or appurtenances thereto, for the relief or correction of any visual or muscular error or defect of the eye;
- (e) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of optometrists or duly qualified medical practitioners, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of optometrists or duly qualified medical practitioners;
- (f) "optometrist" means a person who is entitled to practise optometry under this Act;
- (g) "prescribe" means the writing or determination of a formula or prescription for the relief or correction of any visual or muscular error or defect of the eye;

(h)

- (h) "profession of optometry" means the services usually performed by an optometrist, including the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing and ophthalmic dispensing of ophthalmic appliances, and prescribing ocular calisthenics for the relief or correction of any visual or muscular error or defect of the eye. R.S.O. 1960, c. 283, s. 1; 1960-61, c. 73, s. 1, *amended*.

College
constituted

2. The College is hereby constituted a corporation and, on the coming into force of this Act, the persons who then constitute the Board of Examiners in Optometry shall be members of the College and shall constitute the Board, and the persons who then are registered under *The Optometry Act* and the persons who are registered under this Act shall be members of the College. *New*.

R.S.O. 1960,
c. 283

Property

3.—(1) All property, real and personal, heretofore vested in the Board of Examiners in Optometry is vested in the College.

Idem

(2) The College may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require. *New*.

Board,
composition

4.—(1) The affairs and business of the College shall be administered, managed and regulated by the Board, which shall consist of five members, of whom three form a quorum.

election

(2) The manner of electing the Board, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws. *New*.

Annual
meetings

5.—(1) The first annual meeting of the College shall be held within three months of the coming into force of this Act, and thereafter not later than the 31st day of March in each year.

General
meetings

(2) Other general meetings of the College may be called from time to time.

Idem

(3) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws. *New*.

Officers

6. The Board shall elect from its members a president, a vice-president and a treasurer, and may appoint a registrar and a secretary and such other officers as may be required, and the duties thereof shall be as set forth in the by-laws. *New*.

7.—(1) The Board may pass by-laws, not inconsistent with ^{By-laws} this Act, respecting,

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding and conducting of the annual and other meetings of the College;
- (d) the holding and conducting of meetings of the Board;
- (e) the election or appointment, duties and removal of officers and servants, and their remuneration; and
- (f) all other things necessary or advisable for the management of the affairs of the College.

(2) No by-law becomes effective until it has been passed ^{Idem} by the College at an annual or other general meeting called for that purpose.

(3) A copy of each by-law shall be mailed to each member ^{Idem} within fifteen days of the by-law becoming effective. *New.*

8.—(1) Every person who files with the registrar of the College an application in the prescribed form, stating therein ^{Admission of new members} that the applicant is more than twenty-one years of age, is of good moral character, has graduated from a school or college of optometry recognized by the Board and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications to practise optometry and, upon passing such examination, shall be registered by the Board as an optometrist and shall receive from the Board a certificate of such registration. R.S.O. 1960, c. 283, s. 5, *amended.*

(2) Each certificate is renewable annually as provided for ^{Annual certificate} in the regulations. *New.*

9.—(1) No person shall practise the profession of optometry ^{Right to practise restricted} unless he is registered under this Act.

(2) No person, unless he is registered under this Act, shall append to his name the term "optometrist" or use any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is registered under this Act. 1960-61, c. 73, s. 7 (1), *amended.* ^{Titles, etc., restricted}

Offences

10.—(1) Any person who contravenes or omits, neglects or fails to observe or comply with any provision of this Act or the regulations, or who prescribes by mail, is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$25 and not more than \$100, and, for a second or subsequent offence, to a fine of not less than \$50 and not more than \$500. R.S.O. 1960, c. 283, s. 8 (3); 1960-61, c. 73, s. 7 (2), *amended*.

Disposition of fines

(2) All fines recovered for offences under this Act shall be paid to the College. 1960-61, c. 73, s. 7 (3), *amended*.

Suspension, etc., of registration

11.—(1) The Board may by order suspend or revoke the registration of any optometrist whom it finds guilty of unprofessional conduct as defined by the regulations or of incompetency or misrepresentation in connection with the practice of the profession of optometry.

Notice

(2) Before suspending or revoking a registration, the Board shall, by notice in writing, advise such person of the alleged violation and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may at any time review any finding or order made by it and make such further finding or order as it deems proper.

Power to summon witnesses, etc.
R.S.O. 1960, c. 323

(4) At a public hearing under this section, the president or vice-president of the Board has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal

(5) An appeal lies from any order or finding of the Board under this section to a judge of the Supreme Court by way of originating notice, and such appeal shall be upon the evidence and representations presented and made to the Board, and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper, and his decision is final. R.S.O. 1960, c. 283, s. 7; 1960-61, c. 73, s. 6, *amended*.

Educational arrangements, college of optometry

12.—(1) The Board may enter into agreements and arrangements with any university in Ontario for the establishment of a college of optometry, and may make agreements and arrangements with any educational institution for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists, and may establish and carry on its own college of instruction and

appoint such professors, lecturers, instructors, officers, servants and employees thereof as are deemed necessary and fix their remuneration.

(2) The Board may use any of its moneys for any of the ^{Idem} purposes and objects mentioned in subsection 1, and for such purposes and objects the Board has all the powers that may be necessary or convenient, including the power without licence in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate, and to borrow money and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board. R.S.O. 1960, c. 283, s. 9 (1, 2), *amended*.

(3) The Board shall from time to time appoint a dean of ^{Dean} the College of Optometry and fix his remuneration.

(4) The dean of the College of Optometry shall, under the ^{Idem} direction and control of the Board, have charge of all affairs of internal management of the College of Optometry, including supervision of the staff and the students attending the College of Optometry, and the examinations conducted there from time to time.

(5) The Board may from time to time fix the fees to be ^{Fees} paid by students attending the College of Optometry, including examination and degree fees. *New*.

13. Nothing in this Act applies to ophthalmic dispensing ^{Exemptions from operation of Act} by an ophthalmic dispenser, or to a duly qualified medical practitioner, or to any person who carries on business in Ontario as a *bona fide* wholesale manufacturer and supplier of ophthalmic appliances to duly qualified medical practitioners, optometrists and ophthalmic dispensers, and who does not prescribe. R.S.O. 1960, c. 283, s. 10 (1); 1960-61, c. 73, s. 9, *amended*.

14. Nothing in this Act authorizes the Board to regulate, ^{No control of prices} control or interfere with the prices that may be charged for eye-glasses or spectacles, the fees that may be charged for the examination of eyes, or the prescribing of eye-glasses or spectacles, or the terms upon which such charges or fees may be paid. R.S.O. 1960, c. 283, s. 10 (2).

15. Nothing in this Act prevents,

^{Retail merchants}

- (a) a retail merchant from operating, as part of his business, an optical department at his place of business where the profession of optometry is practised,

- (i) if the practice and the department are in charge of a registered optometrist or a duly qualified medical practitioner, and
 - (ii) if the retail merchant files with the Board annually the name and address of the owner or manager of the business, either of whom shall be a resident of Ontario, and the name of the optometrist or duly qualified medical practitioner in charge of the optical department;
- (b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or
- (c) the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. R.S.O. 1960, c. 283, s. 10 (3), *amended*.

Regulations

16. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to the College of Optometry and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as optometrists;
- (c) respecting the registration of candidates for registration as optometrists and the suspension and cancellation of the registration of optometrists and the issue and renewal of certificates of registration;
- (d) providing for the government and discipline of the members;
- (e) defining unprofessional conduct for the purposes of this Act;
- (f) prescribing fees under this Act;

(g)

- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
R.S.O. 1960, c. 283, s. 3 (1); 1960-61, c. 73, s. 2, amended.

17. *The Optometry Act* and *The Optometry Amendment Act*, R.S.O. 1960, c. 283; 1960-61, c. 73, repealed

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

19. This Act may be cited as *The Optometry Act, 1961-62*. Short title

CHAPTER 102

An Act to amend The Parks Assistance Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Parks Assistance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 285, s. 1,
cl. *c*,
re-enacted

(*c*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Parks Assistance Amendment Act, 1961-62*.

Short title

CHAPTER 103

An Act to amend The Pharmacy Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *d* of section 1 of *The Pharmacy Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 295, s. 1,
cl. *d*,
subcl. i,
re-enacted

- (i) any substance that is classified as a drug in any of the following publications:

Name	Abbreviation	Edition
Pharmacopoea Internationalis	(Ph. I)	I and Supp. 1959
The Canadian Formulary	(C.F.)	1949
The British Pharmacopoeia	(B.P.)	1958 and Add. 1960
The British Pharmaceutical Codex	(B.P.C.)	1959
The Pharmacopoeia of the United States of America	(U.S.P.)	XVI
The National Formulary	(N.F.)	XI
New and Nonofficial Drugs	(N.N.D.)	1962
Codex Francais	(Codex)	VII

(2) Clause *d* of the said section 1 is amended by adding "or" at the end of subclause iv and by adding thereto the following subclause:

R.S.O. 1960,
c. 295, s. 1,
cl. *d*,
amended

- (v) any preparation containing or represented as containing a vitamin that furnishes in the largest recommended daily intake, more than,

- a. 10,000 International Units of vitamin A or provitamin A,
- b. 4.5 milligrams of thiamine,
- c. 7.5 milligrams of riboflavin,
- d. 45 milligrams of niacin or niacinamide,
- e. 1 milligram of folic acid,
- f. 14 micrograms of vitamin B₁₂,
- g. 150 milligrams of ascorbic acid,
- h. 1,000 International Units of vitamin D,
- i. 25 International Units of vitamin E, or
- j. any amount of vitamin K.

R.S.O. 1960
c. 295, s. 6,
subs. 2,
amended

2. Subsection 2 of section 6 of *The Pharmacy Act* is amended by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Number of
by-laws
restricted

- (2) Not more than one by-law to vary the number of electoral divisions or to vary the boundaries thereof shall be passed in any period of five years.

R.S.O. 1960,
c. 295, s. 18,
amended

3. Section 18 of *The Pharmacy Act* is amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause:

- (*d*) who makes application for registration within such period as the regulations prescribe.

R.S.O. 1960,
c. 295, s. 24,
cl. *d*,
amended

4. Clause *d* of section 24 of *The Pharmacy Act* is amended by adding at the end thereof "and providing for the registration of students and prescribing the fees therefor", so that the clause shall read as follows:

- (*d*) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act, and providing for the registration of students and prescribing the fees therefor.

R.S.O. 1960,
c. 295, s. 30,
subs. 2,
repealed

5. Subsection 2 of section 30 of *The Pharmacy Act* is repealed.

R.S.O. 1960,
c. 295, s. 31,
subs. 2,
repealed

6. Subsection 2 of section 31 of *The Pharmacy Act* is repealed.

R.S.O. 1960,
c. 295,
amended

7. *The Pharmacy Act* is amended by adding thereto the following section:

Reinstatement, etc.

- 31a.** A person whose application for reinstatement has been approved by the Council under subsection 6 of

section 29 and a person whose registration has been cancelled under section 30 or erased under section 31, and who is otherwise eligible for registration, may on application have his name re-entered on the register,

- (a) where such person's registration has been cancelled or erased for a period longer than five years by,
 - (i) payment of arrears of fees for the previous five years,
 - (ii) passing such examinations as the regulations prescribe, and
 - (iii) payment of the examination fee prescribed by regulation;
- (b) where such person's registration has been cancelled or erased for a period of less than five years by,
 - (i) payment of all arrears of fees, and
 - (ii) payment of a reinstatement fee of \$50.

8. Section 40 of *The Pharmacy Act* is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 295, s. 40,
amended

- (4) Upon the death of a pharmaceutical chemist who was a shareholder of a corporation operating a pharmacy at the time of his death, the shares owned by and registered in the name of such deceased person at the time of his death may be registered in the name of and owned by the personal representative of such deceased person for a period of four years or for such further period as the Council may authorize, and for such period subsection 2 of section 34 does not apply to such corporation in respect of such shares. Death of pharmaceutical chemist, shares in corporate pharmacy
- (5) Subsection 4 does not apply to a shareholder of any corporation referred to in subsection 3 of section 34. Idem
- (6) Upon the death of a pharmaceutical chemist who was a director of a corporation operating a pharmacy at the time of his death, subsection 1 of section 34 does not apply to such corporation by reason of such death for a period of six months or for such further period as the Council may authorize. Idem

9. This Act may be cited as *The Pharmacy Amendment Act, 1961-62*. Short title

CHAPTER 104

An Act to amend The Planning Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 296, s. 2,
amended

(9) For the purposes of this section, "municipality" includes a county. Interpre-
tation

2. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 296,
amended

7a. A planning board may provide for the payment of salaries, expenses or allowances for the members thereof and shall include its financial requirement therefor in its estimates under section 7. Remunera-
tion for
members
of planning
boards

3.—(1) Subsection 1 of section 14 of *The Planning Act* is amended by inserting after "thereto" in the second line "or the repeal thereof" and by inserting after "amendment" in the fourth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 14,
subs. 1,
amended

(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto or the repeal thereof, provided that the Minister may, subject to subsection 2, approve any amendment or repeal that may be proposed by the council of any municipality. Amend-
ments and
repeal

(2) Subsection 2 of the said section 14 is amended by inserting after "amendment" in the first line and in the fifth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 14,
subs. 2,
amended

(2) Before approving an amendment or repeal initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the Conditions
for
Minister's
approval

proposal

proposal and, if the planning board does not concur in the proposal, the Minister shall not approve the amendment or repeal unless it has been adopted by a vote of two-thirds of all the members of the council.

R.S.O. 1960,
c. 296, ss. 17,
18, repealed

4. Sections 17 and 18 of *The Planning Act* are repealed.

R.S.O. 1960,
c. 296, s. 28,
amended

5.—(1) Section 28 of *The Planning Act* is amended by adding thereto the following subsection:

Amounts
for park
purposes
paid into
special
account

(9a) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park purposes and may pay into the fund provided for in subsection 10 the sum so included in the estimates, and any person may pay any sum into the same fund.

R.S.O. 1960,
c. 296, s. 28,
subs. 10,
amended

(2) Subsection 10 of the said section 28 is amended by striking out "subsection 8" in the first and second lines and inserting in lieu thereof "subsections 8 and 9a" and by striking out "purchase" in the fifth line and inserting in lieu thereof "acquisition", so that the subsection shall read as follows:

Special
account

(10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, shall be paid into a special account and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 408

6.—(1) Subsection 5 of section 30 of *The Planning Act* is amended by inserting after "by-law" in the third line "and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined", so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 5,
amended

Use of maps

(5) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

(2) Subsection 10 of the said section 30 is amended by inserting after "Board" in the third line "except a by-law passed pursuant to an order of the Municipal Board made under subsection 19", so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 10,
amended

- (10) No part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

Repeal or
amendment

(3) Subsection 11*b* of the said section 30, as enacted by section 3 of *The Planning Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 11*b*
(1960-61,
c. 76, s. 3),
amended

- (11*b*) The Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

Notice to
provide for
filing of
objections

7.—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act* is amended by adding at the end thereof "or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 1,
amended

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality.

Size and
strength of
walls, etc.,
and pro-
duction
of plans

(2) Paragraph 7 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 7,
re-enacted

Regulating
removal and
wrecking of
buildings and
structures

7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 22,
re-enacted

(3) Paragraph 22 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

Building
codes

22. For the purposes of any by-law passed under this section or a predecessor of this section, for adopting with such changes as the council may consider necessary by including in the by-law in whole or in part the National Building Code of Canada and in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada).

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
amended

(4) Subsection 1 of the said section 31 is amended by adding thereto the following paragraph:

Certificate
of com-
pliance and
prohibiting
use of
buildings
not in
compliance
with by-laws

24. For requiring persons,

- (a) who have caused a building or structure to be erected, altered or repaired without having first obtained a permit so to do where such a permit is required; or
- (b) who having obtained a permit have caused a building or structure to be erected, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such buildings comply with the by-laws of the municipality if they do not so comply and in any case to obtain a certificate of compliance from the building inspector and for charging fees for such certificates and for prohibiting the use of such a building or structure by such persons until a certificate of compliance has been obtained.

R.S.O. 1960,
c. 296,
amended

8. *The Planning Act* is amended by striking out "PART IV" preceding section 33 and inserting in lieu thereof "PART V" and by adding thereto the following Part:

PART IV

COMMITTEES OF ADJUSTMENT

32a.—(1) If a municipality has passed a by-law under ^{Establish-} section 30 or a predecessor of such section, the council of the ^{ment of} municipality may by by-law constitute and appoint a com- ^{committees} mittee of adjustment for the municipality or part, composed ^{of} of such persons, not less than three, as the council deems ^{adjustment} advisable.

(2) In subsection 3, “employee” does not include a teacher ^{Interpre-} employed by a board of education or school board. ^{tation}

(3) Every appointment to a committee of adjustment is ^{Appoint-} subject to the approval of the Minister, but in no event is a ^{ments} member of the council of the municipality or an employee of ^{subject to} the municipality or of a local board thereof eligible for appoint- ^{approval} ment.

(4) Appointments to the committee shall be for a term of ^{Term of} three years, except that on the first appointment the council ^{office} shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

(5) Members of the committee shall hold office until their ^{Idem} successors are appointed and approved, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term.

(6) A majority of the members of the committee constitutes ^{Quorum} a quorum.

(7) Subject to subsection 6, a vacancy in the membership ^{Vacancy not} or the absence or inability of a member to act does not impair ^{to impair} the powers of the committee or of the remaining members. ^{powers}

Chairman (8) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.

Employees (9) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.

Remuneration (10) The members of the committee shall be paid such compensation as the council may provide.

Filing of documents, etc. (11) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents.

R.S.O. 1960,
c. 249

Rules of procedure (12) The committee shall adopt such rules of procedure as are approved by the Minister, and no committee shall hear or determine any matter unless such rules have heretofore been or are hereafter so adopted and approved, and such rules may be amended with the approval of the Minister.

Revision of rules of procedure (13) The Minister may require a committee to amend or revise its rules of procedure and, if the committee fails to comply with such requirement within the time limited by the Minister, it is without jurisdiction to hear or determine any matter until its rules are amended or revised and approved by the Minister.

Powers of committee, general

32b.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan or is passed under section 30, or a predecessor of such section, or any person authorized in writing by the owner, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued

until

until the date of the application to the committee, may permit,

- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;
- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan, if any; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

(3) The hearing on any application shall be held within ^{Time for} thirty days after the application is received by the secretary-treasurer. _{hearing}

(4) The committee, before hearing an application, shall ^{Notice of} give notice thereof in such manner and to such persons as the _{hearing} committee deems proper.

(5) The committee may require that a fee of not more ^{Fees} than \$25 be paid on every application.

(6)

- Hearing** (6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.
- Oaths** (7) The chairman, or in his absence the acting chairman, may administer oaths.
- Decision** (8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- Conditions in decision** (9) Any authority or permission granted by the committee may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision.
- Notice of decision** (10) The secretary-treasurer shall send by registered mail,
- (a) two copies of the decision, certified by him, to the Minister; and
 - (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,
- together with a notice of the last day for appealing to the Municipal Board.
- Additional material** (11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:
1. The application to the committee of adjustment, certified by the secretary-treasurer.
 2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
 3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.
 - 4.

4. A list of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All relevant documents, including any maps or sketches showing the land, building or structure concerned.

(12) The applicant, the Minister or any other person who ^{Appeal} has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Municipal Board and to the secretary-treasurer of the committee of adjustment, within fourteen days after the sending of the notice under subsection 10.

(13) If within such fourteen days no notice of appeal is ^{Where no appeal} given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

(14) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(15) The Municipal Board may dismiss the appeal and ^{Powers of Municipal Board} may make any decision that the committee could have made on the original application.

(16) The costs on the appeal are in the discretion of the ^{Costs} Municipal Board.

(17) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.

(18) The secretary-treasurer shall send to the applicant a ^{Idem} copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

9. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
ment

10. This Act may be cited as *The Planning Amendment* ^{Short title}
Act, 1961-62.

CHAPTER 105

An Act to amend The Police Act*Assented to (except secs. 3 and 4) December 15th, 1961**Secs. 3 and 4 assented to April 18th, 1962**Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 1,
cl. *c*,
re-enacted

(*c*) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. Sections 4 and 5 of *The Police Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 298,
ss. 4, 5,
re-enacted

4. Where the Ontario Police Commission finds that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 52 or 53, the Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

Failure to
provide
police

5.—(1) Where the Ontario Police Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, it may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as are necessary to comply therewith.

Non-com-
pliance with
regulations

Action by
Commission

- (2) Where the council neglects to comply with a request made under subsection 1, the Ontario Police Commission may take such action as it deems necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

R.S.O. 1960,
c. 298, s. 7,
subs. 2, cl. b,
re-enacted;
cl. c,
repealed

3.—(1) Clauses *b* and *c* of subsection 2 of section 7 of *The Police Act* are repealed and the following substituted therefor:

- (b) two persons designated by the Lieutenant Governor in Council.

R.S.O. 1960,
c. 298, s. 7,
subs. 3,
amended

(2) Subsection 3 of the said section 7 is amended by striking out “judge or person, as the case may be” in the sixth line and inserting in lieu thereof “person”, so that the subsection shall read as follows:

Vacancies

- (3) Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other person to act as a member of the board for a period of two months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member.

R.S.O. 1960,
c. 298, s. 8,
subs. 2, cl. b,
re-enacted;
cl. c,
repealed

4. Clauses *b* and *c* of subsection 2 of section 8 of *The Police Act* are repealed and the following substituted therefor:

- (b) two persons designated or appointed in the manner provided in section 7.

R.S.O. 1960,
c. 298, s. 37,
subs. 3,
amended

5. Subsection 3 of section 37 of *The Police Act* is amended by striking out “the Commissioner provides” in the first line and by inserting after “services” in the first line “are provided”, so that the subsection shall read as follows:

Municipali-
ties
policed by
agreement

- (3) Where police services are provided in a municipality mentioned in section 2 pursuant to an agreement under section 53, the municipality shall for the purposes of this Part be deemed to have a police force.

R.S.O. 1960,
c. 298,
amended

6. *The Police Act* is amended by adding thereto the following Part:

PART III-A

ONTARIO POLICE COMMISSION

- 39a.—(1) There shall be an Ontario Police Commission^{Ontario Police Commission} composed of three persons who shall be appointed by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council may designate^{Chairman} one of the members of the Commission to be chairman.
- (3) When a vacancy occurs on the Commission from^{Vacancies} any cause, the vacancy may be filled by the Lieutenant Governor in Council.
- (4) Two members of the Commission constitute a^{Quorum} quorum whether or not a vacancy exists in the membership of the Commission.
- (5) The Commission shall in each year hold such meet-^{Meetings}ings as it deems appropriate and the meetings shall be open to the public unless otherwise directed by the Commission.
- (6) It is the function of the Commission to exercise the^{Function} powers and perform the duties conferred or imposed upon it by this Act.
- (7) The Commission shall, after the close of each calen-^{Annual report}dar year, file with the Attorney General an annual report upon the affairs of the Commission, and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
- (8) The moneys required for the purposes of the Com-^{Expenses, how paid}mission shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1962, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

7. Section 40 of *The Police Act* is repealed and the following^{R.S.O. 1960, c. 298, s. 40, re-enacted} substituted therefor:

- 40.—(1) There shall be a Commissioner of the Ontario^{Commissioner} Provincial Police Force who shall be appointed by the Lieutenant Governor in Council.

Powers and
duties

- (2) Subject to the direction of the Ontario Police Commission, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith.

Investiga-
tions

- (3) The Commission, the Commissioner or a deputy commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any employee connected therewith and upon such inquiry it or he has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

R.S.O. 1960,
c. 298,
amended

8. *The Police Act* is amended by adding thereto the following section:

Workmen's
compensa-
tion not
affected
R.S.O. 1960,
c. 437

- 45g. The relationship between a member of a police force and the body that employs him continues for the purposes of *The Workmen's Compensation Act* as if this Part had not been passed.

R.S.O. 1960,
c. 298, s. 48,
subs. 1,
amended

9.—(1) Subsection 1 of section 48 of *The Police Act* is amended by striking out "The Attorney General may require the Commissioner or any other person to" in the first and second lines and inserting in lieu thereof "The Ontario Police Commission or any member thereof designated by the chairman may", so that the subsection, exclusive of the clauses, shall read as follows:

Investiga-
tions

- (1) The Ontario Police Commission or any member thereof designated by the chairman may investigate, inquire into and report to the Attorney General upon the conduct of or the performance of duties by any chief constable, other police officer, constable, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality,

.

R.S.O. 1960,
c. 298, s. 48,
amended

(2) The said section 48 is amended by adding thereto the following subsection:

Idem

- (1a) The Ontario Police Commission may investigate, inquire into and report to the Attorney General upon any matter relating to the maintenance of law and order in Ontario.

(3) Subsection 2 of the said section 48 is amended by striking out "The person directed to hold such investigation has" in the first line and inserting in lieu thereof "The Commission or person holding an investigation under this section has and may exercise", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 48,
subs. 2,
amended

- (2) The Commission or person holding an investigation under this section has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*.

Powers on
investiga-
tion

R.S.O. 1960,
c. 323

10. Subsection 1 of section 50 of *The Police Act* is amended by inserting after "may" in the sixth line "with the approval of the Ontario Police Commission", so that the subsection shall read as follows:

R.S.O. 1960,
c. 298, s. 50,
subs. 1,
amended

- (1) A board or council responsible for the policing of a municipality or part thereof may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating any offence in the municipality and the Commissioner may with the approval of the Ontario Police Commission provide such assistance as he deems necessary.

Municipality
may
request
assistance
of provincial
police

11.—(1) Subsection 1 of section 53 of *The Police Act* is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Commission".

R.S.O. 1960,
c. 298, s. 53,
subs. 1,
amended

(2) Subsection 3 of the said section 53 is amended by striking out "Commissioner" in the fourth line and inserting in lieu thereof "Commission".

R.S.O. 1960,
c. 298, s. 53,
subs. 3,
amended

(3) Subsection 6 of the said section 53 is amended by striking out "Commissioner" in the fifth line and inserting in lieu thereof "Commission".

R.S.O. 1960,
c. 298, s. 53,
subs. 6,
amended

12. Section 54 of *The Police Act* is amended by striking out "Commissioner" in the first line and in the fifth line and inserting in lieu thereof in each instance "Commission".

R.S.O. 1960,
c. 298, s. 54,
amended

13. Subsections 2 and 3 of section 58 of *The Police Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 298, s. 58,
subs. 2, 3,
re-enacted

- (2) Where an appointment is made under subsection 1, written notice of the appointment and the circumstances that render it expedient shall be forthwith transmitted to the Ontario Police Commission.

Notice of
appoint-
ment

Suspension
or termina-
tion of
services

- (3) The authority who has appointed a special constable, or the Ontario Police Commission, may suspend or terminate the services of such constable, and written notice of the suspension or termination shall, if made by the Commissioner, a judge or magistrate, be forthwith transmitted to the Commission.

Commence-
ment

- 14.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 3 and 4 come into force on a day after the 1st day of April, 1963, to be named by the Lieutenant Governor by his proclamation.

Short title

- 15.** This Act may be cited as *The Police Amendment Act, 1961-62*.

CHAPTER 106

An Act to amend The Power Commission Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Power Commission Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 300, s. 1,
amended

(aa) "buildings" includes all buildings, structures and works that the Commission deems necessary for the purposes of this Act.

2. Subsection 1 of section 2 of *The Power Commission Act* is amended by striking out "and one of whom shall be a member" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 300, s. 2,
subs. 1,
amended

(1) The Commission shall continue to be a body corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant Governor in Council, two of whom may be members of the Executive Council. Commission

3. Clause *b* of section 17 of *The Power Commission Act* is amended by striking out "rural power districts" in the third and fourth lines and inserting in lieu thereof "the rural power district", so that the clause shall read as follows: R.S.O. 1960,
c. 300, s. 17,
cl. b,
amended

(b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in the rural power district.

4. Clause *a* of section 26 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 300, s. 26,
cl. a,
re-enacted

(a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies power, alter, reconstruct, rebuild,

reassemble,

reassemble, construct, extend, replace or do whatever else may be necessary in respect of its works, works held by it under section 86 and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission.

R.S.O. 1960,
c. 300, s. 55,
subs. 2,
cl. f,
amended

5. Clause *f* of subsection 2 of section 55 of *The Power Commission Act* is amended by striking out "or in respect of the acquisition or construction of works referred to in section 64 or in section 65" in the third and fourth lines, so that the clause shall read as follows:

(*f*) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 86, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952 (No. 2)* providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55;
1952
(2nd Sess.),
c. 3

R.S.O. 1960,
c. 300,
ss. 64, 65,
repealed

6. Sections 64 and 65 of *The Power Commission Act* are repealed.

R.S.O. 1960,
c. 300, s. 72,
subs. 1,
amended

7.—(1) Subsection 1 of section 72 of *The Power Commission Act* is amended by striking out "sections 64, 88 and 92" in the fourth line and inserting in lieu thereof "section 88", so that the subsection shall read as follows:

Supply of
power

(1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of power and to contract with persons pursuant to section 88, the Commission, subject to the approval of the Lieutenant Governor in Council, may contract with any other person for the supply of power to such person upon such terms and conditions as the Commission deems proper.

R.S.O. 1960,
c. 300, s. 72,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 72 is repealed and the following substituted therefor:

Application
of net
surplus

(3) Any net surplus made by the Commission in supplying power under subsection 1 shall be applied as the Commission may determine from time to time for

adjusting

adjusting and proportioning and making equitable and stabilizing the rates for power payable to the Commission.

(3) Subsection 4 of the said section 72 is amended by striking out "clauses *a, b, c* and *d* of" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 300, s. 72, subs. 4, amended

(4) Net surplus referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in section 78. Determination of net surplus

8. Subsections 2 and 3 of section 86 of *The Power Commission Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 86, subss. 2, 3, re-enacted

(2) There shall be one rural power district comprising all of the territory of Ontario excepting the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost or that hereafter so contract. Rural power district

(3) The Commission may, on behalf of the corporation as well as on its own behalf, Commission powers

(a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in the rural power district of power;

(b) supply power to any customer or at any premises in the rural power district;

(c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell power to any customer or at any premises in the rural power district.

9. Section 92 of *The Power Commission Act* is repealed. R.S.O. 1960, c. 300, s. 92, repealed

10. Section 93 of *The Power Commission Act* is amended by striking out "except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 64" in the sixth, seventh and eighth lines, so that the section shall read as follows: R.S.O. 1960, c. 300, s. 93, amended

93. All the provisions of Part II as to the annual payments to be made by the municipal corporations that have entered into contracts with the Commission Application of Part II as to annual payments

apply

apply to a contract entered into under this Part, and extend to the works constructed under the contract for transforming, distributing and supplying power in a rural power district.

R.S.O. 1960,
c. 300, s. 111,
subs. 2,
amended

11. Subsection 2 of section 111 of *The Power Commission Act* is amended by striking out "shall" in the ninth line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Municipal
commission,
how
composed
in city of
60,000
or over

(2) Notwithstanding *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, in a city having a population of 60,000 or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of power may consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and until his successor is appointed, and such appointees are eligible for re-appointment.

Commence-
ment

12.—(1) This Act, except section 2, shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(2) Section 2 comes into force on the day this Act receives Royal Assent.

Short title

13. This Act may be cited as *The Power Commission Amendment Act, 1961-62*.

CHAPTER 107

An Act to effect the Consolidation of All Works and Systems of The Hydro-Electric Power Commission of Ontario

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Commission" means The Hydro-Electric Power Commission of Ontario. Interpretation

2. All works for the generation, transmission or distribution of power in any of the territorial districts of Ontario as set forth in *The Territorial Division Act* and all other assets related thereto now held by the Commission in trust for Her Majesty or in trust for the municipalities comprised in the Commission's Thunder Bay System, all as described in section 65 of *The Power Commission Act* as the "Northern Ontario Properties", are hereby vested absolutely in the Commission. Northern Ontario Properties vested in Commission R.S.O. 1960, cc. 395, 300

3. The agreement entered into by His Majesty and the Commission dated the 30th day of June, 1933, pursuant to section 43a of *The Power Commission Act*, is terminated. Agreement terminated R.S.O. 1927, c. 57

4.—(1) The amounts heretofore charged and received under power contracts by the Commission from persons supplied by it with power for the account of Her Majesty for repayment of indebtedness incurred or assumed by the Commission with respect to the "Northern Ontario Properties" in respect of which Her Majesty heretofore had a beneficial interest shall be transferred and allocated by the Commission as it, in its discretion, determines for the benefit of such persons. Amounts received under power contracts allocated for benefit of contributors

(2) The amounts heretofore charged and received from each municipality comprised in the Commission's Thunder Bay System for repayment of indebtedness incurred or assumed by the Commission with respect to the "Northern Ontario Properties" are preserved for the benefit of each such municipality. Amounts received from municipalities preserved for their benefit

Power
contracts
in
territorial
districts

5. All contracts for the supply or purchase of power within the territorial districts of Ontario heretofore entered into by the Commission shall be deemed hereafter to have been entered into on its own behalf.

Commence-
ment

6. This Act shall be deemed to have come into force on the 1st day of January, 1962.

Short title

7. This Act may be cited as *The Power Commission's Systems Consolidation Act, 1961-62*.

CHAPTER 108

An Act to regulate the Prearrangement of Funeral Services

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “funeral services” means the services of an embalmer or funeral director licensed under *The Embalmers and Funeral Directors Act* and the provision of any matter, thing or service for the purpose of a funeral, other than a cemetery plot.

Interpre-
tation
R.S.O. 1960,
c. 120

2. Unless he is an insurer licensed under *The Insurance Act*, or an embalmer or funeral director licensed under *The Embalmers and Funeral Directors Act*, no person shall agree or offer to agree, for a consideration that is fixed by the agreement, to furnish or make provision for funeral services upon the death of a person who is alive at the time the agreement or offer is made.

Agreements
for pre-
arranged
funeral
services
R.S.O. 1960,
cc. 190, 120

3. Every agreement entered into before this Act comes into force and which would contravene this Act if it were entered into after this Act comes into force is null and void and shall be deemed to be a contract to which *The Frustrated Contracts Act* applies.

When
existing
agreements
void
R.S.O. 1960,
c. 157

4. Every embalmer or funeral director who receives money under an agreement referred to in section 2 shall receive and hold the money in trust until the agreement has been fully performed by him.

Money in
trust

5.—(1) The Lieutenant Governor in Council may make regulations governing the manner in which trust accounts shall be kept and accounted for and providing for their inspection.

Regulations

(2) The Board of Administration appointed under *The Embalmers and Funeral Directors Act* shall cause the trust accounts to be inspected as required by the regulations, and

Inspection
and misuse
of trust
money

any

R.S.O. 1960,
c. 120

any misuse of trust funds by an embalmer or funeral director shall be deemed to be sufficient grounds for cancellation of his licence under *The Embalmers and Funeral Directors Act*.

Offence

6. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$1,000, and, in default of payment, to imprisonment for not more than three months, and, if a corporation, to a fine of not more than \$2,000.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Prearranged Funeral Services Act, 1961-62*.

CHAPTER 109

**An Act to amend
The Private Investigators Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Private Investigators Act* is ^{R.S.O. 1960,} amended by striking out "Commissioner of Police for Ontario" ^{c. 306, s. 1,} in the first and second lines and inserting in lieu thereof ^{cl. a, amended} "Commissioner of the Ontario Provincial Police Force", so that the clause shall read as follows:

(a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Private Investigators* ^{Short title} *Amendment Act, 1961-62.*

CHAPTER 110

An Act to amend The Private Sanitaria Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Sanitaria Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 307,
amended

15a. The provisions of this Act relating to mentally ill persons apply *mutatis mutandis* to persons who are epileptic. Epileptics

.

39a. A voluntary patient shall be discharged from a sanitarium when, in the opinion of the superintendent, it is in the interests of the patient or of the sanitarium that he be discharged. Discharge
of
voluntary
patients

39b. A certified patient shall be discharged from a sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of
certified
patients

39c.—(1) A patient who has been admitted to a sanitarium on a warrant of the Lieutenant Governor shall be discharged from the sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of
warrant
patients

(2) The superintendent shall not discharge any person under subsection 1 until he has ascertained that the person is no longer liable to imprisonment. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Private Sanitaria Amendment Act, 1961-62*. Short title

CHAPTER 111

The Provincial Land Tax Act, 1961-62

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "collector" means the Land Tax Collector appointed under this Act;
- (b) "Department" means the Department of Lands and Forests;
- (c) "Deputy Minister" means the Deputy Minister of Lands and Forests;
- (d) "land" includes,
 - (i) land covered with water,
 - (ii) all trees and underwood growing upon land,
 - (iii) all mines, minerals, gas, oil, salt quarries and fossils in and under land,
 - (iv) all buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land,
 - (v) all structures and fixtures erected or placed upon, in, over, under or affixed to a highway, lane or other public communication or water, but not the rolling stock of a transportation system,
 - (vi) the interest in land of a tenant or occupant,
 - (vii)

- (vii) the interest of the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (e) "Minister" means the Minister of Lands and Forests;
- (f) "officer" means a person who has powers or duties with respect to the administration of this Act;
- (g) "owner" includes a tenant or occupant and any person owning or enjoying an interest in land and the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (h) "person" includes a partnership, a body corporate or politic, a bridge authority, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (i) "pipe line" means every pipe forming part of any system for the purpose of the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing and includes,
 - (i) all valves, regulators, couplings, cathodic protection apparatus, protective coatings, casings, curb-boxes, meters, and all incidental fastenings, attachments, appliances, apparatus and appurtenances,
 - (ii) all haulage, labour, engineering and overheads in respect of any such pipe line,
 - (iii) any section, part or branch of any such pipe line,
 - (iv) any easement or right of way used by a pipe line company, and
 - (v) any franchise or franchise right,

and such other pipe lines as are prescribed, but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

(j)

- (j) "pipe line company" means a person, firm, partnership, association or corporation owning, controlling or operating a pipe line, all or any part of which is situate in Ontario;
- (k) "prescribed" means prescribed by the regulations made under this Act;
- (l) "register" means the Provincial Land Tax Register;
- (m) "telegraph company" means a person, firm, partnership, association or corporation owning, controlling or operating a telegraph system or line, all or any part of which is situate in Ontario;
- (n) "telephone company" means a person, firm, partnership, association or corporation owning, controlling or operating a telephone system or line, all or any part of which is situate in Ontario. R.S.O. 1960, c. 313, ss. 1 (1), *part*, 6 (1), cl. (a), *amended*.

ADMINISTRATION

2. There shall be an officer known as the Land Tax Collector and such other officers as are deemed necessary for the administration of this Act. R.S.O. 1960, c. 313, s. 7, *amended*. Land Tax Collector, appointment of

LIABILITY TO TAX, EXEMPTIONS

3.—(1) All land situate in territory without municipal organization is liable to assessment and taxation under this Act, subject to the following exemptions from taxation: Land assessable and taxable, exemptions

1. Land belonging to Canada or any province of Canada. Lands of Canada, etc.
2. Land held in trust for a band or body of Indians, but not if occupied by a person who is not a member of a band or body of Indians. Indian lands
3. Every place of worship and land used in connection therewith, every churchyard, and every cemetery or burying ground that is enclosed and actually and *bona fide* required, used and occupied for the interment of the dead, but not land rented or leased to a church or religious organization by a person other than another church or religious organization. Churches, etc.
4. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for Public educational institutions

the purpose of a university, high school, public or separate school or other educational institution supported in whole or in part by Provincial moneys, whether vested in a trustee or otherwise, only so long as such buildings and grounds are actually used and occupied by such institution.

Philan-
thropic or
religious
seminaries

5. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary.

Educational
seminaries

6. The buildings and grounds not exceeding in the whole fifty acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary, but such exemption does not extend to include any part of the land of such a seminary that is used for farming or agricultural pursuits and is worked on shares with any other person, or if the annual or other crops, or any part thereof, from such land are sold.

Boy Scouts
and
Girl Guides

7. Land owned, occupied and used exclusively by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario that is a member of either of such associations or is otherwise chartered or officially recognized by either of them.

Charitable
institutions

8. Land owned, occupied and used exclusively by an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by public moneys.

Agricultural
societies
R.S.O. 1960,
c. 11

9. Land owned by an agricultural society under *The Agricultural Societies Act*.

Machinery

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and

equipment

equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

11. Subject to subsection 2, land that is liable for the acreage tax under *The Mining Act*. Mining lands
R.S.O. 1960,
c. 241
12. All buildings, improvements, substructures, super-structures, machinery and fixtures erected, made or installed in or on any land for mining purposes. Mining
buildings
etc.
13. The right of a licensee under *The Crown Timber Act* to cut timber under his licence. Timber
licensees
R.S.O. 1960,
c. 83
14. The telephone and telegraph plant, poles and wires of a railway company that are used exclusively in the running of trains or for any other purpose of a railway, but not for commercial purposes, and the structures, substructures, superstructures, rails, ties and other property on railway lands that are used exclusively for railway purposes or incidental thereto, except stations, freight sheds, offices, warehouses, elevators, hotels, roundhouses and machine, repair or other shops. Railways
15. Land of a designated class that is declared by the Lieutenant Governor in Council to be exempt wholly or partially from taxation under this Act. Further
exemptions
R.S.O. 1960, c. 313, s. 1 (1), *part, amended*.

(2) Paragraph 11 of subsection 1 does not apply where the land or any part of it, Exception

- (a) is used for a purpose other than mining, or, if used for mining purposes, is also used for any other purpose; or
- (b) is land upon which there is timber, other than Crown timber, and the average value of such timber is more than \$2 an acre. R.S.O. 1960, c. 313, s. 1 (2).

ASSESSMENT

Valuation
of land

4.—(1) The assessed value to be placed upon land for the purposes of this Act is the price that it might be expected to bring if offered for sale in the open market by a person who is solvent. R.S.O. 1960, c. 313, s. 11 (2), *amended*.

Easements

(2) Subject to section 10, where an easement is appurtenant to land situate in territory without municipal organization, the easement shall be assessed in connection with and as part of the land at the added value it gives to the land as the dominant tenement, and the assessment of the land that, as the servient tenement, is subject to the easement shall be reduced accordingly.

Restrictive
covenant

(3) A restrictive covenant running with land shall be deemed to be an easement within the meaning of subsection 2.

Lane used
as right of
way

(4) Where land is laid out and used as a lane and is subject to a right of way, its value shall be apportioned among the various parcels to which the right of way is appurtenant and shall be included in the assessment of such parcels. *New*.

Existing
assessments

5.—(1) Every assessment made under the predecessor of this Act or under this Act continues in effect until varied by re-assessment or appeal as hereinafter provided.

Amendment
of
assessment

(2) The collector may at any time assess or amend the assessment of any land liable to assessment and taxation under this Act and shall forthwith notify the owner of the land of the assessment or the amendment. *New*.

Provincial
Land Tax
Register

6. The collector shall keep a Provincial Land Tax Register in which shall be entered the name and address of every owner of land to which this Act applies, the amount of the assessment of the land and such other particulars as the collector deems requisite. R.S.O. 1960, c. 313, s. 12, *amended*.

Right
to search
registry and
land titles
offices

7. The collector or any other officer may, in the performance of his duties under this Act, search and inspect books, plans and documents in registry offices and land titles offices, and no charge shall be made by and no fee is payable to a registrar of deeds or a local master of titles for any such search or inspection. R.S.O. 1960, c. 313, s. 10, *amended*.

Right of
access

8.—(1) The collector, any other officer and the judge of the county or district court may, in the performance of their duties under this Act, enter into or upon land situate in territory without municipal organization and shall at all reasonable times and upon reasonable request be given free access for the purposes of this Act to all such land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to such land.

(2) Every adult person present on land when any person referred to in subsection 1 visits the land in the performance of his duties shall upon request give to such person all the information in his knowledge that will assist such person in the performance of his duties under this Act. R.S.O. 1960, c. 313, s. 8, *amended*. Information

9.—(1) Every person who becomes the owner of land situate in territory without municipal organization shall, within thirty days of becoming the owner of such land, notify the collector in writing giving his name and address, the name and address of the previous owner, a description of the land acquired, the purchase price paid where the land was purchased, or the rent paid where the land is rented, or the fee paid where the land is held under a licence. R.S.O. 1960, c. 313, s. 9 (1), *amended*. Statement of owner hereafter acquiring land

(2) Upon the erection or the placing upon, in, over, under or the affixing to land situate in territory without municipal organization of any building, structure, machinery, fixture or other improvement, the owner shall forthwith notify the collector in writing thereof. Notice of improvements

(3) The collector may at any time mail a form of return in the prescribed form to any owner of land to which this Act applies, and such owner shall complete and return it within thirty days from the date of mailing by the collector. *New*. Return

PIPE LINES

10.—(1) For the purpose of the tax under this Act, a pipe line or any part thereof situate in territory without municipal organization shall be deemed to be land to which this Act applies. Assessment and taxation of pipe lines

(2) Notwithstanding any other provision of this Act, but, subject to subsection 3, a pipe line shall be assessed for taxation purposes at the following rates: Rates

Size of Pipe	Assessment per Foot of Length
3/4".....Nominal inside diameter.....	\$.07
1"....." " ".....	.09
1 1/4"....." " ".....	.11
1 1/2"....." " ".....	.13
2" and 2 1/2"....." " ".....	.17
3"....." " ".....	.46
4" and 4 1/2"....." " ".....	.55
5" and 5 5/8"....." " ".....	.83
6" and 6 5/8"....." " ".....	.98
8"....." " ".....	1.24
10"....." " ".....	1.55
12"....." " ".....	2.31

Size of Pipe		Assessment per Foot of Length
14"	Outside diameter	\$ 2.34
16"	" "	2.35
18"	" "	2.67
20"	" "	2.96
22"	" "	3.25
24"	" "	3.56
26"	" "	3.69
28"	" "	3.85
30"	" "	4.03
32"	" "	4.24
34"	" "	4.46
36"	" "	4.72

Pipe lines
installed
before 1940

(3) A pipe line installed before 1940 shall be assessed for taxation at the rates set forth in subsection 2 but shall be depreciated up to the year 1940 at the rate of 2 per cent per annum of the assessed value of the pipe line, with a maximum depreciation of 50 per cent.

Pipe lines
installed
after 1939

(4) A pipe line installed during or after 1940 shall be assessed for taxation at the rates set forth in subsection 2, with no allowance for depreciation.

Pipe lines
removed and
installed in
another
location

(5) A pipe line removed from one location and re-installed in another location shall, where depreciation is applicable, continue to be depreciated in accordance with subsection 3 as though remaining in its original location.

Pipe lines
abandoned

(6) A pipe line that has been abandoned in any year ceases to be liable for the tax effective with the year next following the year in which the pipe line was abandoned.

Liability to
tax on pipe
line on
exempt land

(7) Where a pipe line is located on, in, under, along or across a highway or any lands exempt from taxation under this or any special or general Act, the pipe line is nevertheless liable to assessment and taxation in accordance with this section.

Pipe lines on
boundaries

(8) Where a pipe line is placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such pipe line shall be assessed as if half of it were situate entirely within the former and half of it were situate entirely within the latter.

Valuation
of land
occupied
by pipe
line

(9) Land that is liable to the tax under this Act shall not have a lesser or greater assessment by reason of there being

a pipe line located on, in, under, along or across it, nor shall it have a lesser or greater assessment by reason of the abandonment of the pipe line. R.S.O. 1960, c. 313, s. 6, *part, amended*.

TELEPHONE AND TELEGRAPH LINES

11.—(1) For the purpose of the tax under this Act, a telephone line or part thereof, or a telegraph line or part thereof, situate in territory without municipal organization shall be deemed to be land to which this Act applies. Assessment and taxation of telephone and telegraph lines

(2) Notwithstanding any other provision of this Act and subject to subsections 3 and 6, a telephone line or part thereof shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$135 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use on such 31st day of December, at the rate of \$7.50 per mile. Assessment of telephone lines

(3) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, notwithstanding any other provision of this Act and subject to subsection 6, its telephone lines shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$50 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on such 31st day of December, at the rate of \$7.50 per mile. Idem

(4) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits, Computation of length of circuit

(a) a circuit that does not exceed twenty-five miles in length that is not used as a connecting circuit between two or more central exchange switchboards shall not be included; and

(b) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(5) Notwithstanding any other provision of this Act and subject to subsection 6, a telegraph line or part thereof shall Assessment of telegraph lines

be assessed a sum equal to \$40 for every mile of length of one wire placed or strung on the poles or other structures or in conduits in use on the 31st day of December next preceding the year for which the tax is payable, and a sum equal to \$5 per mile for each additional wire so placed or strung on such 31st day of December.

Telegraph
and tele-
phone plant
of railways

(6) Notwithstanding any other provision of this Act, the telephone and telegraph plant, poles and wires of a railway company that are used in whole or in part for commercial purposes shall be assessed at \$5 per mile in the manner herein-before mentioned.

Measure-
ment of
wires

(7) In the computation of the length of telegraph wires and additional wires, the wires of all branch and loop lines that do not exceed twenty-five miles shall not be included.

Idem

(8) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Poles and
wires on
boundary of
land to
which this
Act applies

(9) Where the poles, structures, conduits or wires of a telegraph or telephone company are placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such poles, structures, conduits or wires shall be assessed as if half of them were situate entirely within the former and half of them were situate entirely within the latter.

Returns

(10) On request of the collector, a telegraph or telephone company shall, in respect of its wires and circuits in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 2 of section 11 of *The Assessment Act*. *New.*

R.S.O. 1960,
c. 23

RAILWAYS

Returns

12.—(1) On request of the collector, a railway company shall, in respect of its land in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 1 of section

R.S.O. 1960,
c. 23

46 of *The Assessment Act*.

Assessment
of railway
lands

(2) Notwithstanding any other provision of this Act and subject to paragraph 14 of subsection 1 of section 3,

(a)

- (a) the roadway or right of way of a railway company shall be assessed at the actual value thereof according to the average value of land in the locality;
- (b) the vacant land of a railway company shall be assessed at its value as other vacant lands are assessed under this Act;
- (c) the structures, substructures, superstructures, rails, ties, poles and other property belonging to or used by a company (not including rolling stock and not including tunnels or bridges in, over, under or forming part of any highway) upon, in, over, under or affixed to any highway, street or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as they would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value, including the non-user of such property; and
- (d) the land of a railway company not designated in clauses *a*, *b* and *c* in actual use and occupation by the company shall be assessed at its actual cash value as it would be appraised upon a sale to another company possessing similar powers, rights and franchises. *New.*

PUBLIC UTILITIES

13.—(1) In this section, “public utility” means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act. Interpretation
R.S.O. 1960,
c. 98

(2) Notwithstanding any other provision of this Act, the land, other than buildings, fixtures and structures, of a public utility shall be assessed at the actual value thereof according to the average value of land in the locality, and there shall be no assessment of machinery whether fixed or not nor of the foundation on which it rests. *New.* Idem

MINIMUM ASSESSMENT OF LAND

14.—(1) In this section, “land” has the meaning given to it by section 1, but does not include buildings, fixtures, machinery or structures erected or placed upon, in, over or under the land or affixed thereto. Interpretation

Minimum
assessment
of land

(2) Notwithstanding subsection 1 of section 4 and subject to subsection 3, land shall be assessed at not less than \$4 an acre or part of an acre.

Idem

(3) Notwithstanding subsection 1 of section 4, land that is rock barrens, muskeg or covered with water shall be assessed at not less than \$2 an acre or part of an acre. *New.*

ASSESSMENT APPEALS

Complaints

15.—(1) Any person complaining of,

(a) an error or omission in regard to himself as having been,

(i) wrongly inserted in or omitted from the register, or

(ii) under-assessed or over-assessed by the collector in the register; or

(b) the apportionment of arrears of tax made by the collector under section 32,

may personally or by his agent make a complaint in writing to the collector, setting out the grounds thereof and giving a name and address where he can be served by the collector.

Time for
complaint

(2) The complaint shall be made to the collector on or before the 1st day of May in the year of the triennial sitting of the judge of the county or district court as hereinafter provided. *New.*

Notice of
hearing of
complaints

16. Where a complaint is made to the collector within the time limited by subsection 2 of section 15 and remains unresolved, the collector shall, at least fifteen days before the date of the hearing of the complaint, notify the person who has made the complaint of the time and place at which a judge of the county or district court will sit for the purpose of hearing such complaint. *New.*

Triennial
sittings

17.—(1) For the purpose of hearing unresolved complaints, a judge of the county or district court of the county or district in which the land is situate shall sit,

(a) in the territorial districts of Kenora, Rainy River and Thunder Bay in the year 1965 and in every third year thereafter;

(b) in the territorial districts of Algoma, Cochrane, Sudbury and Timiskaming in the year 1963 and in every third year thereafter; and

(c)

(c) in the parts of Ontario not mentioned in clauses *a* and *b* in the year 1964 and in every third year thereafter. R.S.O. 1960, c. 313, s. 16 (2), *amended*.

(2) Notwithstanding subsection 1, where in the opinion of the Minister unusual or special circumstances require it, an unresolved complaint made under section 15 may, subject to section 16, be heard at any time at a special sitting. *New*.

18.—(1) The judge shall attend at the time and place arranged by the judge and the collector for the hearing of unresolved complaints, but, if the complaints have been resolved, the sitting may be cancelled. R.S.O. 1960, c. 313, s. 15 (1), *amended*.

(2) The judge, after hearing the complainant and the collector or his agent and any evidence adduced, shall confirm, decrease or increase the assessment for the year in which the complaint was made and for each year thereafter up to and including the year in which the appeal is heard.

(3) Where a complainant who has been notified of the time and place of the sitting under section 16 fails to appear at the sitting, the judge may dismiss the complaint. *New*.

(4) The assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise. R.S.O. 1960, c. 313, s. 15 (2), *amended*.

19. The judge upon the hearing of any complaint under section 15 has the like powers as nearly as may be as in the case of a judge sitting for the hearing of appeals from the court of revision under *The Assessment Act*, and the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act*, except that the judge, in the absence of the consent of the collector, shall hear such complaints only as are included in the list provided by the collector as required by section 20. R.S.O. 1960, c. 313, s. 17.

20. The collector or his agent shall attend at every sitting of the judge and shall have with him at the sitting a list of the unresolved complaints containing the names of the complainants and the assessments of their land, and he shall correct, alter and amend the register in accordance with the directions of the judge. R.S.O. 1960, c. 313, s. 18.

PAYMENT OF TAX

21.—(1) The tax under section 3 is payable annually at the appropriate prescribed rate upon the assessed value of the land. R.S.O. 1960, c. 313, s. 3 (1), *amended*.

Rates

(2) The rate or rates of the annual tax prescribed remain in force from year to year until changed. R.S.O. 1960, c. 313, s. 3 (3), *amended*.

Minimum tax

(3) The minimum annual tax imposed under this Act in respect of any land is \$6. R.S.O. 1960, c. 313, s. 3 (4), *amended*.

CROWN LANDS

Assessment of Crown lands

22.—(1) Notwithstanding paragraph 1 of subsection 1 of section 3, the tenant of land owned by the Crown where a rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed and taxed in the same way as if the land was owned or the interest of the Crown was held by any other person.

Interpretation

(2) For the purpose of subsection 1,

- (a) “rent or any valuable consideration” shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee’s salary, wages, allowances or emoluments;
- (b) “residence” means a building or part of a building used as a domestic establishment in which persons usually sleep and prepare and serve meals;
- (c) “tenant” includes any person who uses land belonging to the Crown, as or for the purposes of, or in connection with, his residence, irrespective of the relationship between him and the Crown with respect to such use.

Assessment of Indian lands

(3) The tenant of land held in trust for a band or body of Indians who is not a member of such band or body, where rent or any valuable consideration is paid in respect of such land, shall be assessed in respect of the land in the same way as if the land were owned or held by any other person.

COLLECTION OF TAX

Tax bills

23.—(1) Except as otherwise provided in this Act, the tax imposed by this Act shall be for the calendar year and becomes due and is payable on the 1st day of February in

the year for which it is imposed, and a tax bill shall be mailed by the collector to every owner of land subject to taxation at his last known address on or before the 15th day of January in the year for which the tax is payable.

(2) The tax bill shall show the assessed value of the land, ^{Idem} the rate of taxation, the amount of the tax payable and such other information as may be prescribed. R.S.O. 1960, c. 313, s. 19, *amended*.

24. Except as otherwise provided in this Act, where any tax under this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and in addition such tax and penalty shall bear compound interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from such 1st day of March until the tax and penalty are paid, and for all purposes the amount of such tax, interest and penalty shall be deemed to be tax due and payable under this Act. R.S.O. 1960, c. 313, s. 20, *amended*. ^{Penalty and interest on unpaid tax}

25.—(1) Where land becomes liable to assessment and taxation under this Act between the 1st day of January and the 29th day of November in any year, the collector may enter the land in the register for a portion of the amount of taxes that would have been payable under this Act for the year if the land had been liable to assessment and taxation for the whole of the year, and, subject to subsection 3 of section 21, that portion shall be in the ratio that the number of months remaining in the year after the land becomes liable to assessment and taxation bears to the number 12. ^{Additions to register}

(2) Where the value of land liable to assessment and taxation under this Act increases between the 1st day of January and the 29th day of November in any year, the collector may amend the assessment of the land in the register and enter in the register tax for the increase in the assessment for a portion of the year, and that portion shall be in the ratio that the number of months remaining in the year after the value increases bears to the number 12. ^{Amendments to register}

(3) If at any time it appears to the collector that, notwithstanding the receipt of a notice under section 9, land liable to assessment and taxation has been omitted from the register in whole or in part for the current year or for either or both of the next two preceding years, he may enter such land in the register as well for the arrears of the preceding year or years, if any, as for the tax for the current year. ^{Where land omitted from the register}

(4) Where land liable to assessment and taxation is omitted from the register by reason of the failure of the owner of the

land

land to give the notice required under section 9, the collector may enter such land in the register for the arrears of tax of each year back to and including the year in which such notice should have been given.

Idem

(5) For the purpose of determining the arrears of tax under subsection 3 or 4, the collector may assess the land at its current assessed value for each year in which arrears are owing.

Billing

(6) Where the collector enters tax or arrears of tax in the register under subsection 1, 2, 3 or 4, he may thereupon mail to the owner, at his last known address, a tax bill for such tax or arrears of tax, and such tax or arrears of tax are due and payable within thirty days of the date of such bill.

Penalty and interest on unpaid tax

(7) Where any tax or arrears of tax billed under subsection 6 remains unpaid after the due date, a penalty of 5 per cent shall be added thereto and, in addition, such tax or arrears of tax and penalty shall bear compound interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the due date until paid, and for all purposes the amount of such tax, arrears of tax, interest and penalty shall be deemed to be tax due and payable under this Act. *New.*

Tax, penalties and interest to be lien on land

26.—(1) Every tax, interest and penalty imposed by this Act is a special lien on the land upon or in respect of which such tax, interest or penalty is imposed in priority to every claim, privilege, lien or encumbrance, heretofore or hereafter created, of every person, and the lien and its priority are not lost or impaired by any neglect, omission or error of the Minister or the collector or of any other officer, clerk or servant appointed or assigned to any work in the course of the administration of this Act or by want of registration. R.S.O. 1960, c. 313, s. 21 (1).

Owner liable for tax and penalties

(2) The owner or any person entered in the register as the owner of any land is personally liable for all tax, interest and penalties imposed by this Act in respect of such land, and the collector may bring an action in his name of office for the recovery thereof in any court of competent jurisdiction. R.S.O. 1960, c. 313, s. 21 (2), *amended.*

Collection by distress

27. In addition to the collection of arrears of tax by action as hereinbefore provided, the collector may distrain for the same and has the like powers in that regard as a collector of taxes for a municipal corporation. R.S.O. 1960, c. 313, s. 22.

DELIVERY OF NOTICES

28. Any complaint made under section 15 or any notice or return required by or given under this Act, other than a notice under subsection 1 or 2 of section 33, may be given by sending it by post paid mail to the collector, or to the last known address of the owner of the land or of any person interested in the land, as the case may be, and such notice or a notice by registered mail under subsection 1 or 2 of section 33 shall be deemed to have been received if it was so mailed. R.S.O. 1960, c. 313, s. 28 (2), *amended*. ^{Delivery of notices}

29. A tax bill shall be deemed to be delivered to an owner of land to which this Act applies or to his agent or representative where it is mailed post paid to the last known address of such owner, agent or representative. R.S.O. 1960, c. 313, s. 28 (1). ^{Delivery of tax bills}

30.—(1) Where land is owned by two or more persons, either jointly or otherwise, the collector may send any notice or tax bill issued under this Act to such part owner as is designated by the other part owners, and, where the part owners fail to designate a part owner for this purpose or where they fail to agree on which part owner should be designated, the collector may select a part owner to whom such notices and tax bills may be sent. ^{Billing joint owners, etc.}

(2) Where the collector designates the part owner to whom such notices and tax bills may be sent, he shall notify the other part owners of his designation. ^{Idem}

(3) Any notice or tax bill sent to the last known address of the part owner designated under subsection 1 shall be deemed to have been received by the other part owners. *New.* ^{Idem}

REMISSION OF TAXES

31.—(1) The collector may reduce, refund or pay to the municipality any part of the tax under this Act on any land in respect of a year in which the land became part of a municipality. R.S.O. 1960, c. 313, s. 4, *amended*. ^{Refunds, etc., on incorporation of municipality}

(2) The collector may cancel any arrears of tax, interest or penalties in respect of land exempted from taxation under this Act or any predecessor of this Act or any regulations made hereunder or thereunder and may remit to any person any money paid by such person for any part of the current year or either or both of the next two preceding years as tax, interest or penalties under such Acts in respect of lands exempted from taxation under such Acts or regulations. R.S.O. 1960, c. 313, s. 5 (2), *amended*. ^{Cancellation of arrears and remission of tax}

Idem

(3) Where the value of land liable to assessment and taxation under this Act decreases between the 1st day of January and the 29th day of November in any year, the collector, after amending the assessment of the land in the register, may cancel a portion of the arrears of tax on the decrease in the assessment or, without interest, may make a refund to the owner or give a credit to the owner to be applied to the following year's tax in the amount of the tax on the decrease in the assessment for a portion of the year, and any such portion shall be in the ratio that the number of months remaining in the year after the value decreases bears to the number 12. *New.*

APPORTIONMENT OF ARREARS

Apportion-
ment

32.—(1) Where land in respect of which arrears of tax, interest or penalties are owing under this Act has been assessed in one block, upon the application by or on behalf of any person claiming to be the registered owner of one or more parcels of the land, the collector may, after giving notice of the application to the owner of the land entered in the register, apportion the arrears of tax, interest and penalties and the current year's tax upon such parcels in proportion to their relative assessed value as determined from the assessment shown in the register at the date of the application.

Idem

(2) The payment of the apportionment assigned to any parcel under subsection 1 is a satisfaction of the tax, interest and penalties thereon.

Idem

(3) Forthwith after an apportionment has been made, the collector shall enter it in the register, and thereafter each parcel of the land affected is liable only for the amount of tax, interest and penalties apportioned or charged thereto, and is only liable for forfeiture for non-payment of the tax, interest and penalties so apportioned or charged against it. *New.*

FORFEITURE OF LANDS FOR ARREARS OF TAX

Notice of
forfeiture

33.—(1) Where any part of the tax imposed under this Act remains unpaid for a period of two years or more, the collector may cause to be filed on or before the 31st day of August in any year in the proper land titles or registry office a caution in the prescribed form, and thereupon he shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the proper land titles or registry office to be the owner of the land in respect of which the default has been made and to every person appearing from such search or inquiry to have an interest therein, stating that, unless the total amount of tax, interest, penalties and

costs due and payable under this Act is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister, and to the amount so due and payable there shall in every case be added and paid as costs the prescribed sum. R.S.O. 1960, c. 313, s. 23 (1), *amended*.

(2) Where no letters patent from the Crown have issued ^{Idem} granting land in respect of which tax remains unpaid for a period of two years or more, the collector may send by registered mail a notice mentioned in subsection 1 to the person entered in the register as the owner of the land, and the sending of such notice shall be deemed to be compliance with the provisions of subsection 1.

(3) The collector shall cause to be prepared a list of the ^{Publication of notice} lands in respect of which notices under subsections 1 and 2 have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that, unless the total amount of tax, interest, penalties and costs shown therein is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister. R.S.O. 1960, c. 313, s. 23 (2), *amended*.

(4) Where any part of the tax, interest, penalties and ^{Declaration of forfeiture} costs remains unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 3, the Minister or the Deputy Minister by a certificate may, on and after the 1st day of September next following, declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsections 5 and 6, the land and every interest therein vests in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1960, c. 313, s. 23 (3), *amended*.

(5) Where land, other than land held under a lease or licence ^{Mining lands} of occupation, that is subject to forfeiture under this Act is also subject to the acreage tax under *The Mining Act*, such ^{R.S.O. 1960, c. 241} forfeiture shall be of the surface rights only. *New*.

Easements

(6) Where a dominant tenement is forfeited, any easement appurtenant thereto passes to the Crown and, where a servient tenement is forfeited, the forfeiture does not affect any easement to which the servient tenement is subject. R.S.O. 1960, c. 313, s. 23 (4).

Registration of certificate

(7) The proper master of titles or registrar of deeds shall upon receipt of the certificate duly register the same, and it is absolute and conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. R.S.O. 1960, c. 313, s. 23 (5).

R.S.O. 1960, cc. 348, 204, not to apply to forfeited lands

(8) Upon registration of a certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

Land forfeited in error

34. Where land has been forfeited in error to the Crown under this Act or any predecessor of this Act, the Minister or the Deputy Minister, by a certificate under his hand, may revoke, cancel or annul the forfeiture in so far as it has reference to land forfeited to the Crown in error, and thereupon such land reverts to the owner of the land at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. *New.*

OFFENCES**Not making returns**

35. Every owner who makes default in completing or making a return or notice required by this Act within the prescribed period is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 and an additional fine of \$10 for each day during which default continues. R.S.O. 1960, c. 313, s. 25, *amended.*

False statements

36. Every person who knowingly makes a false statement in any return or notice required by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 313, s. 26, *amended.*

Offence for obstructing collector, etc.

37. Every person who wilfully obstructs or interferes with the collector or any other officer or the county or district court judge in the performance of his duties under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 313, s. 8, *amended.*

REGULATIONS

38. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing any return, bill or other form required for the purposes of this Act;
- (b) designating classes of land and declaring the same to be exempt, wholly or partially, from taxation under this Act;
- (c) designating classes of land and prescribing the rate of tax applicable to each class;
- (d) amending the table of rates set out in subsection 2 of section 10;
- (e) designating pipes in addition to those mentioned in subclause i of clause i of section 1 as pipe lines;
- (f) prescribing the costs to be paid under subsection 1 of section 33;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 313, s. 27, *amended*.

MISCELLANEOUS

39. *The Provincial Land Tax Act* is repealed.

R.S.O. 1960,
c. 313,
repealed

40. This Act comes into force on the 1st day of January, 1963. <sup>Commence-
ment</sup>

41. This Act may be cited as *The Provincial Land Tax Act*, ^{Short title}
1961-62.

CHAPTER 112

An Act to amend The Provincial Parks Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Provincial Parks Act* is amended by ^{R.S.O. 1960, c. 314, s. 9,} inserting after "ranger" in the second line "and conservation ^{amended} officer", so that the section shall read as follows:

9. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force. ^{Police powers}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Provincial Parks Amendment Act, 1961-62*. ^{Short title}

CHAPTER 113

An Act to amend The Public Accountancy Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Public Accountancy Act* is repealed. R.S.O. 1960,
c. 317, s. 1,
cl. *b*,
repealed

(2) Clauses *d*, *e* and *f* of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960,
c. 317, s. 1,
cls. *d*, *e*,
re-enacted;
cl. *f*,
repealed

(*d*) “public accountant” means a person who either alone or in partnership engages for reward in public practice involving,

- (i) the performance of services which include causing to be prepared, signed, delivered or issued any financial, accounting or related statement, or
- (ii) the issue of any written opinion, report or certificate concerning any such statement,

where, by reason of the circumstances or of the signature, stationery or wording employed, it is indicated that such person or partnership acts or purports to act in relation to such statement, opinion, report or certificate as an independent accountant or auditor or as a person or partnership having or purporting to have expert knowledge in accounting or auditing matters, but does not include a person who engages only in bookkeeping or cost accounting or in the installation of bookkeeping, business or cost systems or who performs accounting or auditing functions exclusively in respect of,

- (iii) any public authority or any commission, committee or emanation thereof, including a Crown company,

(iv)

- (iv) any bank, loan or trust company,
- (v) any transportation company incorporated by Act of the Parliament of Canada, or
- (vi) any other publicly-owned or publicly-controlled public utility organization;

(e) "qualifying body" means The Institute of Chartered Accountants of Ontario.

R.S.O. 1960,
c. 317, s. 3,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 3 of *The Public Accountancy Act* is repealed and the following substituted therefor:

Composition
of the
Council

- (1) The Council shall consist of fifteen members,
 - (a) twelve of whom shall be appointed by the council of The Institute of Chartered Accountants of Ontario; and
 - (b) three of whom shall be elected in the prescribed manner by vote of the persons who are licensed under this Act but who are not members of the qualifying body.

R.S.O. 1960,
c. 317, s. 3,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Elected
members

- (3) No person who is a member of the qualifying body shall be elected under clause *b* of subsection 1.

R.S.O. 1960,
c. 317, s. 4,
re-enacted;
s. 5, repealed

3. Sections 4 and 5 of *The Public Accountancy Act* are repealed and the following substituted therefor:

Certification,
of appointed
members

- 4.—(1) The secretary of the qualifying body shall certify in writing the names of the persons appointed to the Council.

of elected
members

- (2) The election of persons to Council shall be certified in writing in the prescribed manner.

Certificate
as evidence

- (3) Every such certificate is for all purposes sufficient evidence of the appointment or election of the persons named therein.

R.S.O. 1960,
c. 317, s. 6,
subs. 1,
amended

4.—(1) Subsection 1 of section 6 of *The Public Accountancy Act* is amended by striking out "which is effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected" in the third, fourth and fifth lines, so that the subsection shall read as follows:

- (1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election. Term of office
- (2) Subsection 4 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 317, s. 6, subs. 4, re-enacted
- (4) Any vacancy in the office of a member of the Council, where more than four months of the term remain, shall be filled for the remainder of the term by the appointment of a member by the qualifying body or by the election of a member in the manner mentioned in clause *b* of subsection 1 of section 3, as the case requires. Vacancies
- 5.**—(1) Subsection 2 of section 11 of *The Public Accountancy Act* is amended by striking out “calendar” in the second line and inserting in lieu thereof “financial”. R.S.O. 1960, c. 317, s. 11, subs. 2, amended
- (2) The said section 11 is amended by adding thereto the following subsection: R.S.O. 1960, c. 317, s. 11, amended
- (5) The Council may appoint a registrar who need not be a member of the Council and who shall perform such duties as are prescribed by the Council from time to time. Registrar
- 6.** Subsection 1 of section 15 of *The Public Accountancy Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 317, s. 15, subs. 1, re-enacted
- (1) Any person, on application to the Council in the prescribed manner and upon payment of the prescribed fee, is entitled to be licensed under this Act if the Council is satisfied that the applicant is of good character and, Qualifications for licence
- (a) that he is a member of the qualifying body; or
 - (b) that he was at any time licensed under this Act or a predecessor of this Act; or
 - (c) that he is a member of the Certified General Accountants Association of Ontario,
 - (i) who has taken the course of instruction and passed the final examinations of that Association, and
 - (ii)

(ii) who has had at least three years experience in public accountancy in Ontario, and

(iii) who was on the 1st day of April, 1962, a member or a student of that Association.

R.S.O. 1960,
c. 317, s. 17,
amended

7. Section 17 of *The Public Accountancy Act* is amended by striking out "and is entitled to be" in the first line, so that the section shall read as follows:

Renewal
of licence

17. Any person who is licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee is entitled to have his licence renewed, but nothing in this section prejudices or affects the power of the Council to revoke any licence in accordance with this Act.

R.S.O. 1960,
c. 317, s. 27,
amended

8. Section 27 of *The Public Accountancy Act* is amended by striking out "After the licensing date" in the first line and by striking out "after that date" in the third line.

R.S.O. 1960
c. 317, s. 31,
subs. 1,
amended

9. Subsection 1 of section 31 of *The Public Accountancy Act* is amended by striking out "each" in the third line and inserting in lieu thereof "the".

R.S.O. 1960,
c. 317, s. 33,
amended

10. Section 33 of *The Public Accountancy Act* is amended by inserting after "secretary" in the fourth line "or registrar", so that the section shall read as follows:

Authentica-
tion of
regulations
and other
documents

33. Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or registrar or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed is *prima facie* evidence of such regulation, licence, notice or other document.

R.S.O. 1960,
c. 317, s. 35,
amended

11. Section 35 of *The Public Accountancy Act* is amended by striking out "and" in the fourth line and by adding at the end thereof "or from issuing statements, opinions, reports or certificates in connection with such practice", so that the section shall read as follows:

Saving

35. Nothing in this Act precludes a registered member of the Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as

an industrial accountant, cost accountant or cost consultant, from designating himself as such or from issuing statements, opinions, reports or certificates in connection with such practice.

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation, which day shall be subsequent to the publication in *The Ontario Gazette* of a notice certifying that The Institute of Chartered Accountants of Ontario has in force a by-law providing for the admission to its membership of any member of The Certified Public Accountants Association of Ontario who applies therefor.

13. This Act may be cited as *The Public Accountancy Amendment Act, 1961-62*.

CHAPTER 114

**An Act to amend
The Public Commercial Vehicles Act**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Commercial Vehicles Act* R.S.O. 1960, c. 319, s. 1, amended is amended by adding thereto the following clause:

(ca) “dual-purpose vehicle” means a motor vehicle, other than one commonly known as a passenger car, designed by the manufacturer for the transportation of persons and goods.

(2) Clause *i* of the said section 1 is amended by inserting R.S.O. 1960, c. 319, s. 1, amended after “*Act*” in the third line “or a dual-purpose vehicle”, so that the clause shall read as follows:

(i) “public commercial vehicle” means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* R.S.O. 1960, c. 172 or a dual-purpose vehicle, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods of any other person and not confined in its operation to one urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk that are the product of such farm or forest.

2. Subsection 2 of section 2 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 319, s. 2, subs. 2, re-enacted

(2) Where the owner of a commercial motor vehicle leases such vehicle to another person to be operated on a highway for the transportation of goods, the lessor of such vehicle is deemed to be operating a public commercial vehicle where, Lessor of vehicles operated for transportation of goods

(a)

- (a) the lessor of such vehicle engages or pays directly or indirectly the driver of such vehicle; or
- (b) the lessor in any manner whatsoever exercises any control over the driver in the course of his employment as a driver of such vehicle; or
- (c) the lessee of such vehicle does not acquire or exercise absolute possession and control over the operation of the vehicle for the transportation of goods while the vehicle is being operated under the lease.

R.S.O. 1960,
c. 319,
amended

3. *The Public Commercial Vehicles Act* is amended by adding thereto the following section:

Interpre-
tation

2a.—(1) In this section, "lease" includes a transfer of the permit issued for a commercial motor vehicle under *The Highway Traffic Act* where the permit is transferred by the registered owner of the vehicle to a shipper or consignor of goods that are to be transported on the vehicle, subject to an agreement to retransfer the permit to the owner.

R.S.O. 1960,
c. 172

Hearing re
transporta-
tion
of goods
by a
vehicle
under a
lease

(2) Where goods are transported on a highway by a commercial motor vehicle that is operated under a lease to the shipper or consignor of such goods, the Minister may direct the Board to conduct a hearing of the facts relating to the transportation for the purpose of determining whether or not the vehicle transporting the goods is deemed to be a public commercial vehicle under subsection 2 of section 2, and sections 9 and 10 of *The Ontario Highway Transport Board Act* apply in respect of such hearing.

R.S.O. 1960
c. 273

Copy of
decision to
Minister

(3) Where the Board conducts a hearing under subsection 2, the Board shall furnish to the Minister a copy of its decision.

Where
vehicle
deemed a
commercial
motor
vehicle

(4) Where, under subsection 2, the Board determines that a vehicle is deemed to be a public commercial vehicle under subsection 2 of section 2, the Minister may, under subsection 3 of section 6 of *The Highway Traffic Act*, cancel the permit of any vehicle operated under the lease.

R.S.O. 1960,
c. 319, s. 4,
subs. 3,
repealed

4. Subsection 3 of section 4 of *The Public Commercial Vehicles Act* is repealed.

5. *The Public Commercial Vehicles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 319, amended

- 4a. No operating licence shall be transferred without the written approval of the Board and payment of the fee prescribed under the regulations, and the Board is not bound to grant approval under any circumstances. Approval and fee on transfer of licence

6. Section 5 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 319, s. 5, re-enacted

5. The Board may in its discretion require the directors of a corporation that is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock, and, where, in the opinion of the Board, a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation, and the corporation shall forthwith pay the fees prescribed by the regulations for the transfer of operating licences. Issue or transfer of shares of corporation

7. Section 16 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 319, s. 16, amended

- (ba) exempting any person or the holder of any class or type of operating licence from the payment of fees respecting the transfer of an operating licence.

8. This Act comes into force on the 1st day of July, 1962. Commencement

9. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1961-62*. Short title



CHAPTER 115

An Act to amend The Public Health Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Health Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 321, s. 6,
amended

17a. authorizing local boards to establish, maintain and operate such facilities for community health services as are prescribed and governing their establishment, operation and use. community
health
services

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act, 1961-62*. Short title

CHAPTER 116

An Act to amend The Public Hospitals Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 4 of *The Public Hospitals Act* is ^{R.S.O. 1960,} amended by inserting after "No" in the first line "land", so ^{c. 322, s. 4,} that the subsection shall read as follows: ^{subs. 5,} ^{amended}

- (5) No land, building or other premises or place or any ^{Sale, etc.,} part thereof acquired or used for the purposes of a ^{to be} hospital shall be sold, leased, mortgaged or otherwise ^{approved} disposed of without the approval of the Commission.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Hospitals Amend-* ^{Short title} *ment Act, 1961-62.*

CHAPTER 117

An Act to amend The Public Lands Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 324,
amended

2a. Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister deems appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister deems appropriate shall be set apart for such purposes. Public
reserves

2. Section 9 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 9,
re-enacted

9. The Minister shall after the close of each fiscal year submit an annual report upon the affairs of the Department to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual
report

3. Subsection 1 of section 15 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 15,
subs. 1,
re-enacted

(1) For the purpose of the management of public lands, the Minister may from time to time establish classes of zones, such as "Open", "Deferred", "Closed" or otherwise as he deems proper, may define the purposes for which public lands of each class may be administered, may cause areas of public lands to be laid down on maps or plans and may designate such areas as zones, and any area of public lands so designated shall be administered only for the purposes defined for the designated class of zone. Zoning
plans

R.S.O. 1960,
c. 324, s. 17,
subs. 1
(1960-61,
c. 81, s. 1,
subs. 1),
re-enacted

4.—(1) Subsection 1 of section 17 of *The Public Lands Act*, as re-enacted by subsection 1 of section 1 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Regulations
re sale or
lease of
public lands

(1) The Lieutenant Governor in Council may make regulations,

(a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;

(b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 2 of section 25 and prescribing the fee therefor.

Terms and
conditions
of sale
or lease

(1a) The Minister may fix such terms and conditions of sale or lease as he deems proper in addition to those required under subsection 1.

R.S.O. 1960,
c. 324, s. 17,
subs. 3a
(1960-61,
c. 81, s. 1,
subs. 2),
re-enacted

(2) Subsection 3a of the said section 17, as enacted by subsection 2 of section 1 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Subsequent
sale or
lease

(3a) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as he deems proper.

R.S.O. 1960,
c. 324, s. 25,
amended

5. Section 25 of *The Public Lands Act* is amended by adding thereto the following subsection:

Extension
of time

(2) The Minister may, upon payment of the prescribed fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations.

R.S.O. 1960,
c. 324, s. 26,
subs. 1,
re-enacted

6.—(1) Subsection 1 of section 26 of *The Public Lands Act* is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section, "lands" means public lands and includes public lands covered with water.

Mode of
obtaining
possession
of public
lands

(1a) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which he was permitted to occupy or was entrusted

with

with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply by way of originating notice of motion to a judge of the county or district court of the county or district in which any part of the lands is situate for an order for possession, and the judge, upon proof to his satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority, shall make an order requiring him to deliver up the lands to the Minister.

- (1b) Where a person is in possession or occupation of ^{Idem} lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his warrant require such person to deliver up the lands to the person named in the warrant and he may by his warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom.

- (1c) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister. ^{Building or thing remaining on lands}

- (2) Subsection 4 of the said section 26 is repealed.

R.S.O. 1960,
c. 324, s. 26,
subs. 4,
repealed

7. *The Public Lands Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 324,
amended

- 67a. Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act. ^{Travel on beaches}

8. Section 73 of *The Public Lands Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 73,
re-enacted

- 73.—(1) In this section, "lot" includes block, parcel or any other designation given to an area of land. ^{Interpretation}

Right of
Crown to
one-quarter
of lots

- (2) Subject to subsection 6, where public lands that have been disposed of by the Crown under this or any other Act are surveyed, subdivided and shown as lots on a plan to be deposited, filed or registered under any Act and the plan is signed by or on behalf of the owner of the land shown on the plan within five years of the issue of the letters patent granting the land, one-quarter in acreage of all the lots shown on the plan become the property of and are vested in the Crown and are public lands within the meaning of this Act upon the depositing, filing or registration of the plan.

Manner of
selection

- (3) In cases under subsection 2, the Minister may make such selection of the lots on the plan as he and the person by whom the plan is to be registered agree upon, or the Minister may first select one lot and such person shall then select three lots and so on in turn, the Minister selecting one and such person three until the division is made.

Selection
made
deemed
to be one-
quarter of
lots

- (4) The selection made under subsection 3 shall comprise as nearly as may be one-quarter in acreage of all the lots on the plan, and, for the purpose of subsection 2, the selection so made shall be deemed to comprise one-quarter in acreage of such lots.

Certificate
of Minister
as to
selection

- (5) In cases under subsection 3, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

I hereby certify that, pursuant to subsection 3 of section 73 of *The Public Lands Act*, I have selected

..... from all the lots on this plan.
(lots)

Dated at Toronto, this..... day of.....,

19.....

.....
Minister of Lands and Forests

Commuta-
tion

- (6) The Minister, with the approval of the Lieutenant Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots on the plan.

Certificate
of Minister
as to money
payment

- (7) In cases under subsection 6, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

Pursuant

Pursuant to subsection 6 of section 73 of *The Public Lands Act*, the Lieutenant Governor in Council

by his Order No....., dated the....day

of....., 19....., has approved the acceptance of a money payment in lieu of one-quarter in acreage of all lots on this plan.

Dated at Toronto, this....day of.....,

19....

.....
Minister of Lands and Forests

- (8) No plan to which this section applies shall be deposited, filed or registered until the Minister has approved the plan and, in approving such a plan, regard shall be had to the price paid to the Crown for the land, the purpose for which the land was purchased from the Crown, the purpose for which the land is being subdivided and such other matters as the Minister considers advisable in the public interest and in granting approval the Minister may impose such conditions as in his opinion are advisable. ^{Approval of plan}
- (9) No plan to which this section applies and no instrument referring thereto shall be deposited, filed or registered in any land titles or registry office until a certificate under subsection 5 or 7 and the approval of the Minister under subsection 8 are endorsed on the plan. ^{Condition precedent to registration}
- (10) In cases under subsection 3, the local master of titles or the registrar of deeds, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots mentioned in the certificate endorsed thereon. ^{Entry of Crown as owner}
- (11) Nothing in this section affects any right in mines or minerals. ^{Mines and minerals}

9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

10. This Act may be cited as *The Public Lands Amendment Act, 1961-62*. ^{Short title}



CHAPTER 118

An Act to amend The Public Libraries Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Public Libraries Act* is amended R.S.O. 1960, c. 325, s. 3, amended by striking out “township, rural school section, union school section or township school area” in the second and third lines and inserting in lieu thereof “or township”, so that subsection 1 of the said section shall read as follows:

(1) A public library may be established in a city, town, Where library may be established village, police village or township under the conditions and in the manner hereinafter provided.

(2) The said section 3 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 325, s. 3, amended

(2) Every public library heretofore established for a Present libraries in school sections continued rural school section, union school section or township school area that is being operated immediately before this subsection comes into force is hereby continued until it is disestablished.

2. Subsections 1, 2 and 3 of section 8 and section 9 of *The Public Libraries Act* are repealed. R.S.O. 1960, c. 325, s. 8, subss. 1-3, s. 9, repealed

3. Section 86 of *The Public Libraries Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 325, s. 86, amended

(1a) Where at least half of the municipalities forming Idem part of a county for municipal purposes and having a combined population of at least 25,000 request the county to establish a county library service, the council of the county may by by-law establish a county library service for all the municipalities that so request.

R.S.O. 1960,
c. 325,
Form 3,
repealed

4. Form 3 of *The Public Libraries Act* is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Libraries Amendment Act, 1961-62*.

CHAPTER 119

An Act to amend The Public Parks Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Parks Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 329, s. 1,
amended

(6) A by-law passed under subsection 2 may be repealed with the assent of the electors qualified to vote at municipal elections. Repeal of
by-law

(7) When a by-law passed under subsection 2 is repealed, every officer and employee of the board of park management becomes a municipal employee and continues as such until removed by the council, unless his engagement sooner terminates. Employees
of board
become
municipal
employees on
dissolution
of board

2. Section 11 of *The Public Parks Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 329, s. 11,
amended

(6) The board may perform such services for the municipality or any other local board as it ordinarily performs in the general maintenance and operation of parks under the authority of this Act and may receive compensation for such services. Board
authorized
to perform
services

(7) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this section, and the owner of the vehicle is also liable to such a penalty unless, at the time the offence was committed, the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Owner and
driver of
vehicle
liable to
penalties

3. Subsection 2 of section 13 of *The Public Parks Act* is repealed. R.S.O. 1960,
c. 329, s. 13,
subs. 2,
repealed

4.

R.S.O. 1960,
c. 329, s. 18,
subss. 3, 4,
re-enacted

4.—(1) Subsections 3 and 4 of section 18 of *The Public Parks Act* are repealed and the following substituted therefor:

Estimates
for park
purposes

- (3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, and shall include at least a sum which would be produced by a rate of one mill in the dollar upon the assessed value of all rateable property unless the sum required is less than that which would be produced by such a rate of one mill, in which case such lesser sum shall be included.

When rate
may be
increased

- (4) When the board manages, regulates and controls any undertaking established under paragraph 69 of section 377 of *The Municipal Act*, the rate mentioned in subsection 3 shall be two mills.

R.S.O. 1960,
c. 249

R.S.O. 1960,
c. 329, s. 18,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 18 is repealed and the following substituted therefor:

Issuing
debentures
for half
cost of park

- (6) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council,

(a) at the request of the board, shall issue debentures for the remaining one-half of the cost only if the annual sum required to meet the annual payments of interest and principal can be provided without exceeding the limit of one mill or two mills in the dollar, as the case may be, as provided in subsections 3 and 4; and

(b) notwithstanding that the annual sum required to meet the annual payments of interest and principal cannot be provided without exceeding the limit of one mill or two mills in the dollar, as the case may be, may issue debentures for the remaining one-half of the cost.

R.S.O. 1960,
c. 329, s. 18,
subs. 7,
amended

(3) Subsection 7 of the said section 18 is amended by striking out "in the dollar" in the seventh line and inserting in lieu thereof "or two mills in the dollar as provided in subsections 3 and 4", so that the subsection shall read as follows:

By-law,
when not
necessary
to submit
to electors

- (7) It is not necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual payments of interest and principal does not, with a reasonable

allowance

allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill or two mills in the dollar as provided in subsections 3 and 4, notwithstanding any provisions to the contrary in *The Municipal Act* or any special Act relating to the municipality.

R.S.O. 1960,
c. 249

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Public Parks Amendment Act, 1961-62*.

Short title

CHAPTER 120

An Act to amend The Public Schools Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 17 of *The Public Schools Act* is ^{R.S.O. 1960,} amended by striking out "or a township school area" in the ^{c. 330, s. 17,} second line and in the third line, so that the subsection shall ^{subss. 2,} amended read as follows:

- (2) A by-law of a municipal council to establish a school ^{Approval of} section or to alter the boundaries of a school section ^{Minister} shall not come into force until it has been approved by the Minister.

2. Section 18 of *The Public Schools Act* is repealed and the ^{R.S.O. 1960,} following substituted therefor: ^{c. 330, s. 18,} re-enacted

- 18.—(1) The public school trustees of a rural school ^{Rural school} section that is not a township area are a corporation ^{trustees to be} by the name of "The Public School Board of School ^{corporation} Section No. of the Township of " (*inserting the number of the school section and the name of the township*).

- (2) For every rural school section there shall be three ^{Trustees,} trustees, each of whom, in rotation, shall, except ^{term of} as herein otherwise provided, hold office for three ^{office} years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The* ^{R.S.O. 1960,} *Schools Administration Act*. ^{c. 361}

- (3) A person is qualified to be elected as a trustee who, ^{Qualifica-} ^{tions to be} ^{elected} ^{trustee}
- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;

(c)

(c) is a resident in the school section; and

(d) is a ratepayer in the school section.

Disqualifi-
cations

(4) A person is not qualified to be elected as a trustee,

(a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or local board, as the case may be;

(b) who is the clerk or treasurer of a municipality in which all or part of the school section is situate;

(c) who is the husband or wife of a trustee;

(d) who is otherwise disqualified under this or any other Act; or

(e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

Qualification
to act as
trustee

(5) A person is qualified to act as a trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 3 and does not become disqualified under clauses *a* to *d* of subsection 4.

Persons
deemed
ratepayers

(6) The following persons shall be deemed ratepayers under clause *d* of subsection 3:

(a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;

(b)

(b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and

(c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.

(7) For the purposes of subsection 6, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof.

3. Subsection 1 of section 21 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 21,
subs. 1,
amended

(1) A meeting of the electors of every rural school section except a township school area for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the section.

Annual
meeting, in
rural school
sections,
when held

4. Subsection 1 of section 24 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 330, s. 24,
subs. 1,
amended

(1) It is the duty of the secretary of a rural school section, except a township school area,

Duties of
secretary of
rural school
section:

.

5. Subsections 2, 3 and 4 of section 27 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 27,
subs. 2,
re-enacted;
subss. 3, 4,
repealed

(2) A person is qualified to be elected as a trustee and to sit and vote as a member of a school board in an urban municipality who,

Qualifica-
tions of
trustees

(a)

- (a) subject to clause *b*, has the same qualifications as a rural school trustee under subsections 3 to 6 of section 18, which subsections apply *mutatis mutandis*; and
- (b) is a ratepayer in the urban municipality and is resident in or within one mile of the urban municipality.

R.S.O. 1960,
c. 330, s. 30,
re-enacted

6. Section 30 of *The Public Schools Act* is repealed and the following substituted therefor:

Urban
municipality
divided into
wards

30.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or
more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from
election by
wards to
general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 29.

R.S.O. 1960,
c. 330, s. 32,
amended

7. Section 32 of *The Public Schools Act* is amended by adding thereto the following subsection:

Trustee in
office until
organization
of new board

(2) Every trustee of a school board of an urban municipality shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*.

R.S.O. 1960
c. 361

R.S.O. 1960,
c. 330, s. 39,
repealed

8. Section 39 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 40,
amended

9.—(1) Section 40 of *The Public Schools Act* is amended by adding thereto the following subsection:

Time for
passing
by-law re
remaining
part of
union school
section

(5a) Notwithstanding section 17, a by-law may be passed under subsection 5 on or before the 30th day of September.

R.S.O. 1960,
c. 330, s. 40,
subs. 13,
amended

(2) Subsection 13 of the said section 40 is amended by inserting after "which" in the second line "subject to subsection 15", so that the subsection shall read as follows:

- (13) There shall be a board of public school trustees for every township school area which, subject to subsection 15, shall consist of five members.

Board of public school trustees for township school area

- (3) Subsection 15 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960, c. 330, s. 40, subs. 15, re-enacted

- (15) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*.

Where township divided into wards

- (4) Subsection 27 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960, c. 330, s. 40, subs. 27, re-enacted

- (27) No by-law passed under this section comes into force until it has been approved by the Minister.

Approval of by-law

- 10.**—(1) Subsection 5 of section 42 of *The Public Schools Act* is amended by inserting after “and” in the first line “subject to subsection 5a”, so that the subsection shall read as follows:

R.S.O. 1960, c. 330, s. 42, subs. 5, amended

- (5) The Minister may adopt, vary or amend the report and, subject to subsection 5a, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Decision of Minister

- (2) The said section 42 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 330, s. 42, amended

- (5a) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Supplementary report

- 11.** Section 43 of *The Public Schools Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 330, s. 43, amended

on formation
or alteration

- (1a) In any year in which a township school area comprising territory in two or more municipalities is formed or in which its boundaries are altered, the apportionment of the annual requisition shall be determined in the manner provided in section 55.

R.S.O. 1960,
c. 330, s. 45,
subs. 17,
re-enacted;
subs. 18,
repealed

12. Subsections 17 and 18 of section 45 of *The Public Schools Act* are repealed and the following substituted therefor:

Term of
apportion-
ment

- (17) The proportion of liability determined by the arbitrators under subsection 13 shall continue in force until it is altered under the provisions of section 55.

R.S.O. 1960,
c. 330, s. 54,
subs. 1, 2,
re-enacted;
subs. 3,
repealed

13. Subsections 1, 2 and 3 of section 54 of *The Public Schools Act* are repealed and the following substituted therefor:

Application
of
R.S.O. 1960,
c. 249, re
assets and
liabilities of
incorpora-
tion or
annexation

- (1) Where a school section is located in whole or in part in an area that becomes incorporated or is annexed to or amalgamated with another municipality, the provisions of sections 12 and 14 of *The Municipal Act* apply with respect to the disposition of assets and liabilities.

Issue of
debentures
for rural
school board

- (2) Subsection 1 of section 65 does not apply to an application by a rural school board for the issue of debentures required under an agreement or an order of the Ontario Municipal Board made under section 12 or 14 of *The Municipal Act*.

R.S.O. 1960,
c. 330,
amended

14. *The Public Schools Act* is amended by adding thereto the following sections:

Powers of
board re
levying of
rates, etc.

- 58a.—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for public school purposes.

Powers of
tax collector

- (2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality.

Rates for
first year
levied on
current
assessment

- 58b. In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year.

15. Subsection 1 of section 60 of *The Public Schools Act* is amended by striking out "the purchase of a school site and the erection of a schoolhouse" in the second and third lines and inserting in lieu thereof "permanent improvements", so that the subsection shall read as follows:

- (1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

16. Subsections 9 and 10 of section 65 of *The Public Schools Act* are repealed and the following substituted therefor:

- (9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the arbitrators or the referee appointed to adjust rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the arbitrators or the referee.

17. Section 74 of *The Public Schools Act* is amended by adding thereto the following subsection:

- (5) A public school board of a rural school section including only territory without municipal organization may borrow on the promissory note of the board, under its corporate seal, such moneys as may be required to meet maintenance expenditures until legislative grants and taxes are collected, but the amount that may be borrowed in any year,

(a) shall not exceed 70 per cent of the estimated revenues of the board as set forth in the estimates adopted for the year; and

(b) at any one time, together with similar borrowings that have not been repaid, shall not

exceed

exceed the uncollected balance of the estimated revenues of the board as set forth in the estimates adopted for the year.

R.S.O. 1960,
c. 330, s. 76,
amended

18. Section 76 of *The Public Schools Act* is amended by adding thereto the following subsections:

Appeal to
county
council re
assenting
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within thirty days after the request, the council that passed the by-law may within the next twenty days appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Appeal to
Minister

- (9) Where the by-law involves land in two or more municipalities in the territorial districts or two or more counties or a city or separated town, the appeal shall be to the Minister, who shall either,

(a) dismiss the appeal; or

(b) appoint a board of three arbitrators to hear the appeal, and the board, subject to subsection 3 of section 11, shall form, divide, unite or alter the boundaries of the township school area or the school section or sections so far as to settle the matters complained of.

Commence-
ment

19.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1963.

Short title

20. This Act may be cited as *The Public Schools Amendment Act, 1961-62*.

CHAPTER 121

The Public Service Act, 1961-62

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "civil servant" means a person appointed to the service of the Crown by the Lieutenant Governor in Council on the certificate of the Commission or by the Commission, and "civil service" has a corresponding meaning;
- (b) "classified service" means the part of the public service to which civil servants are appointed;
- (c) "Commission" means the Civil Service Commission;
- (d) "Crown" means the Crown in right of Ontario;
- (e) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the minister to whom the Commission is responsible for the administration of this Act;
- (f) "public servant" means a person appointed under this Act to the service of the Crown by the Lieutenant Governor in Council, by the Commission or by a minister, and "public service" has a corresponding meaning;
- (g) "regulations" means the regulations made under this Act;
- (h) "unclassified service" means the part of the public service that is composed of positions to which persons are appointed by a minister under this Act. R.S.O. 1960, c. 331, s. 1, *amended*.

Commission,
composition

2.—(1) The Commission shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, one of whom may be appointed chairman. R.S.O. 1960, c. 331, s. 2 (1).

status

(2) The full-time members of the Commission shall be deemed to be civil servants. *New.*

Administra-
tion of Act

3. The Commission is a department and is responsible to the Minister for the administration of this Act. R.S.O. 1960, c. 331, s. 2 (2).

Duties of
Commission

4. The Commission shall,

- (a) evaluate and classify each position in the classified service and determine the qualifications therefor;
- (b) recommend to the Lieutenant Governor in Council the salary range for each classification;
- (c) recruit qualified persons for the civil service and establish lists of eligibles;
- (d) assign persons to positions in the classified service and specify the salaries payable;
- (e) determine perquisite charges for civil servants;
- (f) provide, assist in or co-ordinate staff development programmes;
- (g) present annually through the Minister to the Lieutenant Governor in Council a report upon the performance of its duties during the preceding year, which report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 331, s. 2 (3), *amended.*

Filling of
vacancies
in classified
service

5.—(1) When a vacancy exists in the classified service, the deputy minister of the department in which the vacancy exists shall nominate in writing from the list of eligibles of the Commission a person to fill the vacancy.

Appoint-
ments to
probationary
staff

(2) The Commission shall appoint the person nominated under subsection 1 to a position on the probationary staff of the classified service for not more than one year at a time. *New.*

Appoint-
ments to
regular
staff

6. The Commission shall, if requested in writing by the deputy minister, recommend to the Lieutenant Governor in Council the appointment of a person on the probationary

staff

staff of the classified service to the regular staff of the classified service, and the recommendation shall be accompanied by the certificate of qualification and assignment of the Commission. *New.*

7.—(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year at a time a person to a position in the unclassified service in any department over which he presides. *Appoint-ment by minister to unclassified service*
R.S.O. 1960, c. 331, s. 3 (2), *amended.*

(2) Any appointment made by a designee under subsection 1 shall be deemed to have been made by his minister. *Idem* *New.*

8. A person who is appointed to a position in the public service for a specified period ceases to be a public servant at the expiration of that period. *Termination of appointment* *New.*

9.—(1) Every civil servant shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form: *Oath of office and secrecy*

I,, do swear that I will faithfully discharge my duties as a civil servant and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant.
So help me God.

(2) Every civil servant shall before performing any duty as a member of the regular staff take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by either of them, an oath of allegiance in the following form: *Oath of allegiance*

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning sovereign for the time being*), her heirs and successors according to law.
So help me God.

(3) A minister may require any person or class of persons appointed to the unclassified service in any department over which he presides to take and subscribe either or both of the oaths set out in subsections 1 and 2. *Unclassified service*

(4) A copy of each oath administered to a civil servant shall be kept by his deputy minister in the departmental file of the civil servant. *Record of oaths* R.S.O. 1960, c. 331, s. 4, *amended.*

10.—(1) Every civil servant shall retire upon attaining the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where his deputy *Age of retirement*

minister

minister so requests in writing, he may be re-appointed by the Lieutenant Governor in Council for a period not exceeding one year at a time until he attains the age of seventy years. 1960-61, c. 83, s. 2, *part, amended*.

Exception

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire upon attaining the age of seventy years. 1960-61, c. 83, s. 2, *part*.

Appointment of superannuates and annuitants R.S.O. 1960, c. 332

11. The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal. 1960-61, c. 83, s. 2, *part*.

Resignation

12. A person may resign from the public service by giving his deputy minister two weeks notice in writing of his intention to resign, but he may, by an appropriate notice in writing and with the approval of his deputy minister, withdraw the notice at any time before its effective date if no person has been appointed or selected for appointment to the position that will become vacant by reason of his resignation. *New*.

Abandonment

13. A public servant who is absent from duty without official leave for a period of two weeks or such longer period as is prescribed by the regulations may by an instrument in writing be declared by his deputy minister to have abandoned his position, and thereupon his position becomes vacant and he ceases to be a public servant. *New*.

Deputy minister's functions

14.—(1) Subject to the direction of his minister, a deputy minister is responsible for the operation of his department and shall perform such other functions as are assigned to him by his minister or by the Lieutenant Governor in Council.

Absence, etc.

(2) Where a deputy minister is absent or where there is a vacancy in the office, his powers and duties shall be exercised and performed by such public servant as is designated by his minister. *New*.

Suspension during investigation

15.—(1) A deputy minister may, pending an investigation, suspend from employment any public servant in his department for a period not exceeding two weeks, and during any such period of suspension may withhold the salary of the public servant.

(2) A deputy minister may for cause remove from employment without salary any public servant in his department for a period not exceeding one month or such lesser period as the regulations prescribe. R.S.O. 1960, c. 331, s. 8 (4), *amended*. Removal
from
employment

(3) A deputy minister may for cause dismiss from employment in accordance with the regulations any public servant in his department. Power to
dismiss

(4) A deputy minister may release from employment in accordance with the regulations any public servant where he deems it necessary by reason of shortage of work or funds or the abolition of a position or other material change in organization. Release from
employment

(5) A deputy minister may release from employment any public servant during the first year of his employment for failure to meet the requirements of his position. *New*. Idem

16. With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers or duties to any public servant or any class thereof in his department. R.S.O. 1960, c. 331, s. 8 (1-3), *amended*. Delegation
of powers
and duties,
deputy
ministers

17. The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service. *New*. Delegation
of powers
and
functions,
Commission

18.—(1) Deputy ministers and public servants shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties. Access to
records, etc.

(2) In connection with, and for the purposes of, any investigation, the Commission or any member thereof holding an investigation has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New*. Investiga-
tions
R.S.O. 1960,
c. 323

19. Where a creditor of a public servant files with the Treasurer of Ontario, Debts of
public
servants

(a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from the public servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the

the Treasurer may deduct from the salary of the public servant, or from any money owing to him from the Crown, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1960, c. 331, s. 9, *amended*.

Regulations

20.—(1) The Commission, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing methods of evaluating and classifying positions;
- (b) prescribing classifications for positions, including qualifications, duties and salaries;
- (c) prescribing the standards and procedures to be followed in recruitment, selection and nomination;
- (d) prescribing the procedures to be followed in making assignments;
- (e) providing for a probationary period on appointment or assignment;
- (f) determining employee benefits;
- (g) prescribing the hours of work;
- (h) defining overtime work and providing for compensation therefor;
- (i) providing for and prescribing payments on death;
- (j) regulating the conduct of public servants, including the imposition of fines, removal from employment, demotion or otherwise;
- (k) providing for a system of credits for regular attendance and payments in respect of such credits;
- (l) providing for the granting of leave of absence;
- (m) prescribing a period longer than two weeks for the purposes of section 13;
- (n) prescribing the conditions and procedures for release from employment, lay-off and subsequent re-appointment;

(o)

- (o) prescribing the conditions and procedures for dismissal;
- (p) providing for a joint advisory council, departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*;
- (q) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (r) providing for and establishing procedures for negotiations between the Commission and the Civil Service Association of Ontario or any other organization that the Lieutenant Governor in Council may designate respecting the conditions of employment of civil servants;
- (s) prescribing and providing for the use of forms under this Act or the regulations;
- (t) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 331, s. 10, *amended*.

R.S.O. 1960,
c. 323

(2) Any regulations made under subsection 1 may be made Application applicable to all or any part of the classified service or the unclassified service. *New*.

21. The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 331, s. 11.

22. *The Public Service Act* and *The Public Service Amendment Act, 1960-61* are repealed.

R.S.O. 1960,
c. 331;
1960-61,
c. 83,
repealed

23. This Act comes into force on the 1st day of August, 1962.

Commence-
ment

24. This Act may be cited as *The Public Service Act*.

Short title

CHAPTER 122

An Act to amend The Public Service Superannuation Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Public Service Superannuation Act* is amended by striking out “*The Public Service Act*” in the first and second lines and inserting in lieu thereof “*The Public Service Act, 1961-62*”, so that the clause shall read as follows:

(*c*) “civil servant” has the same meaning as in *The Public Service Act, 1961-62*.
R.S.O. 1960,
c. 332, s. 1,
cl. *c*,
amended

(2) Clause *d* of the said section 1 is amended by striking out “*The Public Service Act*” in the third line and inserting in lieu thereof “*The Public Service Act, 1961-62*” and by striking out “for a period of one year” in the sixth line and inserting in lieu thereof “by the Civil Service Commission under *The Public Service Act, 1961-62*”, so that the clause shall read as follows:

(*d*) “contributor” in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under *The Public Service Act, 1961-62* and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed by the Civil Service Commission under *The Public Service Act, 1961-62*.
R.S.O. 1960,
c. 332, s. 1,
cl. *d*,
amended

2. Section 5 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

5.—(1) There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary, and the amount so deducted shall be placed to his credit in the Fund.
R.S.O. 1960,
c. 332, s. 5,
re-enacted
Contributions,
current

Cessation
of contri-
butions

- (2) Contributions shall cease upon attaining retirement age of sixty-five years.

Exceptions

- (3) Notwithstanding subsection 2, contributions shall continue,

(a) for those who were employed in the public service and were fifty or more years of age on the 1st day of March, 1948, until retirement or until the age of seventy years has been attained, whichever occurs first;

(b) for those who were employed in the public service and were less than fifty years of age on the 1st day of March, 1948, and are re-appointed by the Lieutenant Governor in Council after attaining sixty-five years of age, until retirement or until thirty years of service have been completed or until the age of seventy years has been attained, whichever occurs first; and

(c) in the case of a magistrate appointed before the 1st day of May, 1952, until he retires pursuant to *The Magistrates Act*.

R.S.O. 1960,
c. 226

R.S.O. 1960,
c. 332, s. 9,
subs. 3,
cl. b,
amended

3. Clause *b* of subsection 3 of section 9 of *The Public Service Superannuation Act* is amended by striking out "twenty-five" in the second line and inserting in lieu thereof "twenty", so that the clause shall read as follows:

(b) has contributed to the Fund in respect of a period of twenty or more years.

R.S.O. 1960,
c. 332, s. 11,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 11 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Computation
of
allowances

(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the thirty-six consecutive months of his contributory service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned.

R.S.O. 1960,
c. 332, s. 11,
amended

(2) The said section 11, as amended by section 4 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

(3)

- (3) Where a contributor who is entitled to an allowance ^{Special case} has been a contributor to the Fund for less than thirty-six months, his allowance shall be based upon his average annual salary during the period that he was a contributor.

5. Subsection 2 of section 12 of *The Public Service Superannuation Act* is amended by inserting after "years" in the second line "but less than twenty years", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 332, s. 12, subs. 2, amended}

- (2) Every contributor who has contributed continuously ^{Immediate annuities} to the Fund in respect of ten or more years but less than twenty years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

6. Section 13 of *The Public Service Superannuation Act* is ^{R.S.O. 1960, c. 332, s. 13, re-enacted} repealed and the following substituted therefor:

- 13.—(1) The amount of every deferred annuity shall be ^{Computation of deferred annuities} computed in the same manner as provided in subsections 1, 3 and 4 of section 11, except that the amount so determined shall then be reduced by 1 per cent for each whole year by which the number of years of contributory service is less than twenty years.

- (2) The amount of every immediate annuity shall be ^{Computation of immediate annuities} computed in the same manner as provided in subsections 1, 3 and 4 of section 11, except that,

- (a) where the person is fifty years of age or more but less than sixty, in lieu of dividing by 50, the divisor shall be in accordance with the following table:

Age	Divisor
59.....	54
58.....	58
57.....	62
56.....	67
55.....	72
54.....	77
53.....	82
52.....	88
51.....	94
50.....	100

and

(b)

- (b) the amount so determined shall then be reduced by 1 per cent for each whole year by which the number of years of contributory service is less than twenty years.

R.S.O. 1960,
c. 332, s. 16
(1960-61,
c. 84, s. 6),
re-enacted

7. Section 16 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Re-
employment

- 16.—(1) Where a former contributor who is in receipt of an allowance or annuity is re-employed or engaged in any capacity in the public service, payment thereof shall be suspended during the period of his re-employment or engagement.

Idem

- (2) Any period of re-employment referred to in subsection 1 during which a person contributes under this Part shall be added to the period of his prior employment, and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly.

Idem

- (3) Notwithstanding subsections 1 and 2, where a person in receipt of an allowance or annuity has been appointed under *The Public Service Act* or is appointed under *The Public Service Act, 1961-62* because the Lieutenant Governor in Council desires to have such person's professional, expert or technical knowledge at his disposal, payment of the allowance or annuity shall not be suspended or recalculated.

R.S.O. 1960,
c. 331;
1961-62,
c. 121
amended

8. Subsection 2 of section 17 of *The Public Service Superannuation Act* is amended by inserting after "allowance" in the third line "or an immediate annuity", so that the subsection shall read as follows:

Idem

- (2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance or an immediate annuity, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

R.S.O. 1960,
c. 332, s. 20,
subs. 3,
amended

9. Subsection 3 of section 20 of *The Public Service Superannuation Act* is amended by inserting after "allowance" in the second line "or annuity", so that the subsection shall read as follows:

- (3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance or annuity was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be. ^{Late marriages}

10. Section 25 of *The Public Service Superannuation Act* ^{R.S.O. 1960, c. 332, s. 25, amended} is amended by adding thereto the following subsection:

- (3) This Part continues to apply to every jailer and jail employee to whom it applied before this subsection came into force, but it does not apply to any jailer or jail employee appointed after this subsection came into force. ^{Application of Part I to jailers and jail employees}

11. Section 28 of *The Public Service Superannuation Act*, ^{R.S.O. 1960, c. 332, s. 28, amended} as amended by section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund without regard to subsection 2 of section 11. ^{Idem}

12.—(1) Subsection 1 of section 33 of *The Public Service Superannuation Act* is amended by striking out “three years or less” in the second line and inserting in lieu thereof “less than three years”, so that the subsection shall read as follows: ^{R.S.O. 1960, c. 332, s. 33, subs. 1, amended}

- (1) Where a contributor who has contributed to the Fund in respect of less than three years ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be. ^{Refunds}

(2) Subsection 2 of the said section 33 is amended by striking out “more than three years” in the second line and inserting in lieu thereof “three or more years”, so that the subsection shall read as follows: ^{R.S.O. 1960, c. 332, s. 33, subs. 2, amended}

Idem

- (2) Where a contributor who has contributed to the Fund in respect of three or more years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be.

Commence-
ment

13.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 comes into force on the 1st day of August, 1962.

Short title

14. This Act may be cited as *The Public Service Superannuation Amendment Act, 1961-62*.

CHAPTER 123

**An Act to amend
The Reciprocal Enforcement of Maintenance
Orders Act**

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "if the court in the reciprocating state by which the order was made was a court of superior jurisdiction, be the Supreme Court and, if that court was not a court of superior jurisdiction" in the second, third, fourth and fifth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 346, s. 2,
subs. 2,
amended

(2) The court in Ontario in which an order is to be registered shall be such court in Ontario as is determined by the Attorney General.

Court in
Ontario to
be deter-
mined by
Attorney
General

2. Subsection 1 of section 5 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "the Supreme Court if the court in the reciprocating state by which the order was made was a court of superior jurisdiction or to such court as is determined by the Attorney General, if the court in the reciprocating state by which the order was made was not a court of superior jurisdiction" in the sixteenth to twentieth lines and inserting in lieu thereof "such court in Ontario as is determined by the Attorney General", so that the subsection shall read as follows:

R.S.O. 1960,
c. 346, s. 5,
subs. 1,
amended

(1) Where,

Confirmation
of orders
made out-
side Ontario

(a) a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect until confirmed by a court in Ontario; and

(b) a certified copy of the order, together with the depositions of witnesses and a statement

of

of the grounds on which the order might have been opposed if the person against whom the order was made had been a party to the proceedings, is received by the Attorney General; and

- (c) it appears to the Attorney General that the person against whom the order was made is resident in Ontario,

the Attorney General may send the documents to the proper officer of such court in Ontario as is determined by the Attorney General, and upon receipt of the documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1961-62*.

CHAPTER 124

An Act to amend The Registry Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 99, as amended by section 1 of Ontario Regulation 226/61, and section 100 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, ss. 99, 100, repealed

2. Section 127 of *The Registry Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 127, amended

(ca) prescribing the fees that shall be paid to registrars.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Registry Amendment Act*, Short title 1961-62.

CHAPTER 125

An Act to amend The Regulations Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Regulations Act*, as amended R.S.O. 1960, c. 349, s. 1, cl. *d*, amended by section 1 of *The Regulations Amendment Act, 1960-61*, is further amended by striking out "or" at the end of subclause iv, by adding "or" at the end of subclause v and by adding thereto the following subclause:

(vi) an order, approval, regulation, prescription, direction or instruction of the Minister of Municipal Affairs or the Department of Municipal Affairs that the Minister or the Department is empowered to give or make under *The Municipal Act* or under *The Department of Municipal Affairs Act*, except clause *b* of section 13 thereof. R.S.O., 1960, cc. 249, 98

2. No order, approval, regulation, prescription, direction Existing order valid or instruction made before this Act comes into force and referred to in subclause vi of clause *d* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that it was not filed or published as required by *The Regulations Act*.

3. This Act comes into force on the day it receives Royal Commencement Assent.

4. This Act may be cited as *The Regulations Amendment Act, 1961-62*. Short title

CHAPTER 126

**An Act to amend
The Retail Sales Tax Act, 1960-61**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: ^{1960-61, c. 91, s. 1, par. 6, re-enacted}

6. “food products” includes insulin, vitamins, saccharin, sucaryl and any dietary supplement or adjunct that is not a drug or a medicine, but does not include spirituous, malt or vinous liquors.

(2) Paragraph 15 of the said section 1 is repealed.

^{1960-61, c. 91, s. 1, par. 15, repealed}

2. Section 2 of *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following subsection:

^{1960-61, c. 91, s. 2, amended}

- (6a) Where a person acquires tangible personal property ^{Idem} which at the time of the sale may or may not be machinery and apparatus and parts thereof that, in the opinion of the Treasurer, are to be used by such person directly in the process of manufacture or production of tangible personal property for sale, the vendor shall require such person to pay the tax imposed by this Act, but the Treasurer may refund such tax if he is satisfied that such property is machinery and apparatus and parts thereof that were used by such person directly in the manufacture or production of tangible personal property for sale.

3.—(1) Paragraph 15 of section 5 of *The Retail Sales Tax Act, 1960-61* is amended by striking out “lime” in the first line, so that the paragraph shall read as follows: ^{1960-61, c. 91, s. 5, par. 15, amended}

15. fertilizers, insecticides, fungicides, herbicides, rodenticides and combinations thereof.

(2)

1960-61,
c. 91, s. 5,
par. 20,
re-enacted

(2) Paragraph 20 of the said section 5 is repealed and the following substituted therefor:

20. materials and equipment required for irrigation purposes and drainage tile when purchased by a person who with respect to the purchase of such property provides the vendor with a signed statement certifying that he is engaged in the business of farming and that such property will be used exclusively in the conduct of such business.

1960-61,
c. 91, s. 5,
pars. 22, 23,
re-enacted

(3) Paragraphs 22 and 23 of the said section 5 are repealed and the following substituted therefor:

22. shrubs and plants that produce fruit or other food for human consumption, or that produce tobacco;
23. any tree that is sold by the Department of Lands and Forests.

1960-61,
c. 91, s. 5,
pars. 35-39,
re-enacted

(4) Paragraphs 35, 36, 37, 38 and 39 of the said section 5 are repealed and the following substituted therefor:

35. dentures and dental appliances;
36. optical appliances when sold on the prescription of a physician or an optometrist;
37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act*;
38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale;
39. materials, as defined by the Treasurer, that in his opinion are to be consumed or expended by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale.

R.S.O. 1960,
c. 322

(5) Paragraph 42 of the said section 5 is repealed.

1960-61,
c. 91, s. 5,
par. 42,
repealed

1960-61,
c. 91, s. 5,
pars. 43, 44,
renumbered

(6) Paragraphs 43 and 44 of the said section 5 are re-numbered as paragraphs 42 and 43.

(7) Paragraphs 45 and 46 of the said section 5 are repealed and the following substituted therefor:

1960-61,
c. 91, s. 5,
pars. 45, 46,
re-enacted

44. classroom supplies, as defined by the Treasurer, purchased for use or consumption and not for resale by schools, school boards and universities;

45. students' supplies, as defined by the Treasurer;

46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums or any books of the same general classes.

(8) Paragraph 48 of the said section 5 is repealed and the following substituted therefor:

1960-61,
c. 91, s. 5,
par. 48,
re-enacted

48. magazines and periodicals, as defined by the Treasurer.

(9) The said section 5 is amended by adding thereto the following paragraphs:

1960-61,
c. 91, s. 5,
amended

53. works of art, as defined by the Treasurer, purchased by a museum or art gallery more than 50 per cent of the revenue of which is provided by public donations and grants by public bodies;

54. uncanceled Canada postage stamps and uncanceled federal and provincial revenue stamps valid for transportation of mail or for revenue purposes where the consideration for the sale thereof does not exceed the face value thereof;

55. coins made by the Royal Mint of Canada, but not any such coin that is purchased for a price greater than the face value thereof;

56. equipment, as defined by the Treasurer, that is purchased by a religious institution for use exclusively and not for resale in that part of its premises where religious worship or sabbath school is regularly conducted;

57. equipment, as defined by the Treasurer, that is purchased by a person licensed by the Minister of Lands and Forests to trap fur-bearing animals;

58. machinery and apparatus and parts thereof, as defined by the Treasurer, purchased by advertisers or their agents that, in the opinion of the Treasurer, are used to produce advertisements exclusively in newspapers or magazines;

59. religious and educational publications, as defined by the Treasurer.

1960-61,
c. 91,
amended

4. *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following sections:

Conditional
exemptions

5a.—(1) Where a purchaser acquires title to tangible personal property from a member of his family by bequest or otherwise and no consideration is payable by the purchaser in respect of such acquisition, the tax imposed by subsection 1 of section 2 does not apply.

Interpre-
tation

(2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law of the purchaser.

Special
exemptions

5b. If, owing to special circumstances, it is deemed inequitable that the whole amount of tax imposed by this Act be paid, the Treasurer may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from payment of the whole or any part of such tax.

1960-61,
c. 91, s. 9,
subs. 1,
amended

5. Subsection 1 of section 9 of *The Retail Sales Tax Act, 1960-61* is amended by adding at the end thereof "and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 8", so that the subsection shall read as follows:

Compensa-
tion to
vendors

(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper, and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 8.

1960-61,
c. 91, s. 15,
re-enacted

6. Section 15 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Purchaser
liable

15. The purchaser is liable for the tax imposed by this Act until it is collected, and, where the purchaser

refuses

refuses to pay the tax at the time it is collectable under section 7, the vendor shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

7. Subclause iii of clause *e* of subsection 2 of section 39 of ^{1960-61,} *The Retail Sales Tax Act, 1960-61* is amended by striking ^{c. 91, s. 39,} out "municipal corporation" in the first line and inserting in ^{subs. 2, cl. *e*,} ^{subcl. iii,} ^{amended} lieu thereof "municipality".

8.—(1) This Act, except sections 1 and 3, comes into force ^{Commence-} on the day it receives Royal Assent. ^{ment}

(2) Sections 1 and 3 come into force on the 1st day of ^{Idem} April, 1962.

9. This Act may be cited as *The Retail Sales Tax Amend-* ^{Short title} *ment Act, 1961-62.*

CHAPTER 127

**An Act to confirm the
Revised Regulations of Ontario, 1960**

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Revised Regulations of Ontario, 1960, as ^{R.R.O. 1960,} printed by the Queen's Printer, shall be deemed to be valid ^{confirmed} and to have come into force on the 1st day of July, 1961.

(2) The regulations published in a special issue of *The Ontario Gazette*, dated the 3rd day of July, 1961, shall be ^{Certain} deemed to be valid and to have come into force on the 1st ^{regulations} day of July, 1961. ^{confirmed}

2. Section 1 shall be deemed not to validate any Regulation ^{Exception} or part thereof that has been made without authority.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Revised Regulations Con-* ^{Short title} *firmation Act, 1961-62.*

CHAPTER 128

**An Act to confirm the
Revised Statutes of Ontario, 1960**

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Revised Statutes of Ontario, 1960, as printed by the Queen's Printer, shall be deemed to have come into force and to have had effect as law on the 1st day of January, 1961. R.S.O. 1960, confirmed

2. The enactments mentioned in Schedule A appended to the Revised Statutes of Ontario, 1960 shall be deemed to have been repealed on the 1st day of January, 1961, to the extent mentioned in the third column of the Schedule. Repeal of certain enactments confirmed

3. The Legislature shall not, by reason of the passing of this Act, be deemed to have adopted the construction which, by judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1960, or upon similar language. Judicial interpretation

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Revised Statutes Confirmation Act, 1961-62*. Short title

CHAPTER 129

**An Act to amend
The Sanatoria for Consumptives Act**

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 359, s. 54,
amended

(3) The Lieutenant Governor in Council may make regulations authorizing the Minister to establish, maintain and operate facilities for the prevention and treatment of tuberculous disease and governing their establishment, operation and use. Regulations
for facilities
established
by
Minister

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1961-62*. Short title

CHAPTER 130

**An Act to amend
The Schools Administration Act**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of subsection 2 of section 1 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 1,
subs. 2,
par. 5,
re-enacted

5. "county judge" or "judge" means the judge of the county or district court of the county or district in which the school board concerned has jurisdiction and, where the school board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the school board is the greatest according to the last revised assessment rolls.

2.—(1) Subsection 2 of section 15 of *The Schools Administration Act* is amended by striking out "after the expiration of five days, cause the child to attend school as required" in the fifth and sixth lines and inserting in lieu thereof "cause the child to attend school as required by this Part", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 15,
subs. 2,
amended

(2) The judge or magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall cause the child to attend school as required by this Part. Bond for
attendance

(2) The said section 15 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 361, s. 15,
amended

Children
habitually
absent from
school

- (5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a judge of a juvenile and family court, and the judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada).

R.S.C. 1952,
c. 160

Proceedings
under
subs. 5

- (6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection.

R.S.O. 1960,
c. 361,
amended

3. *The Schools Administration Act* is amended by adding thereto the following section:

Business
adminis-
trator

- 36a.—(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator.

Duties

- (2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator.

Status

- (3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators.

R.S.O. 1960,
c. 361, s. 43,
subs. 1,
re-enacted

4. Subsection 1 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

First
meetings

- (1) Except as otherwise provided in any Act,
- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its

first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

(1a) Notwithstanding subsection 1, on the petition of a majority of the trustees of a newly elected or appointed board, the inspector may provide for calling the first meeting of the board at some other time and date.

(1b) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed.

5. Clause *a* of subsection 5 of section 50 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 50,
subs. 5,
cl. a,
re-enacted

(a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 36.

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Schools Administration Amendment Act, 1961-62*.

Short title

CHAPTER 131

An Act to amend The Secondary Schools and Boards of Education Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 6 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 6, subs. 6, re-enacted

- (6) The secretary of the high school board shall forthwith send by registered mail a copy of the award to the secretary of each elementary school board that established the continuation school district and to the council of each municipality in which the continuation school district was located, and any such elementary school board, the high school board or the council may, within twenty days of the receipt of a copy of the award, appeal from the award to the county judge, whose decision is final. Appeal

2. Clause *b* of subsection 1 of section 21 of *The Secondary Schools and Boards of Education Act* is amended by striking out "British subject" and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows: R.S.O. 1960, c. 362, s. 21, subs. 1, cl. b, amended

(*b*) is a Canadian citizen.

3. Clause *c* of subsection 2 of section 34 of *The Secondary Schools and Boards of Education Act* is amended by striking out "one mill" in the second and third lines and inserting in lieu thereof "two mills", so that the clause shall read as follows: R.S.O. 1960, c. 362, s. 34, subs. 2, cl. c, amended

- (*c*) expenditures for permanent improvements out of current funds not exceeding a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum

is approved in the manner provided for approving debentures for permanent improvements.

R.S.O. 1960,
c. 362, s. 42,
subss. 2-5,
re-enacted

4. Subsections 2, 3, 4 and 5 of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Composition

- (2) The committee shall consist of five, eight or twelve members as the board may determine.

Idem

- (3) Where the committee is to consist of five members, it shall be composed of,

- (a) the chairman and two trustees;
- (b) one person, not a member of the board, who is an employee in manufacturing, agricultural, commercial or other industry carried on in the high school district; and
- (c) one person, not a member of the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry carried on in the high school district.

Idem

- (4) Where the committee is to consist of eight members, it shall be composed of,

- (a) the chairman and three trustees;
- (b) two persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) two persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

Idem

- (5) Where the committee is to consist of twelve members, it shall be composed of,

- (a) the chairman and five trustees;
- (b) three persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) three persons, not members of the board, who are employers of labour or directors of

companies

companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

- (6) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one high school district on the understanding that it will serve two or more high school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned. Where school under technical and vocational training agreement
- (7) A member appointed to represent employees or employers on the committee is entitled to receive the same honorarium and travelling expenses as a member of the board is entitled to receive as a trustee for secondary school purposes. honorarium and expenses

5. Clause *b* of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsections 2 and 3 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 69, subs. 4, cl. b, re-enacted

- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,
- (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study, and
- (ii) all other sources except taxation and tuition fees.

6. Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 70, subs. 2, re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 3 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated in accordance with subsection 4 or 5 of section 69, as the case requires, except that,

(a)

- (a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and
- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

R.S.O. 1960,
c. 362, s. 78,
repealed

7. Section 78 of *The Secondary Schools and Boards of Education Act* is repealed.

Commence-
ment

8.—(1) This Act, except sections 2, 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 5 and 6 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Section 2 comes into force on the 1st day of January, 1963.

Short title

9. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1961-62*.

CHAPTER 132

An Act to amend The Separate Schools Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 368, s. 19,
amended

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such meeting a motion is passed to elect trustees by wards in accordance with section 36, the trustees shall be elected by general vote. In urban
municipali-
ties in
wards

2. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 368,
amended

21a. Sections 57 and 58 of *The Public Schools Act* apply *mutatis mutandis* with respect to separate schools in territory without municipal organization. Courts of
revision,
assessment
appeals, etc.
R.S.O. 1960,
c. 330

3. Section 25 of *The Separate Schools Act* is amended by striking out "British subject" in the first line and inserting in lieu thereof "Canadian citizen", so that the section shall read as follows: R.S.O. 1960,
c. 368, s. 25,
amended

25. Any person being a Canadian citizen not less than twenty-one years of age may be elected as a trustee whether he is or is not a householder or freeholder. Trustees'
qualifica-
tions

4.—(1) Subsection 1 and subsection 2, as re-enacted by section 3 of *The Separate Schools Amendment Act, 1960-61*, of section 32 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 368, s. 32,
subss. 1, 2
(1960-61,
c. 94, s. 3),
re-enacted

(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the

school

school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

Trustees

- (1a) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the day of nomination for trustees of the combined separate school, and five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27.

Corporate
name

- (2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of " (*inserting alphabetically the names of the municipalities in which the separate schools of the board are situated and, where there are two or more combined separate schools in the same municipality, adding a number assigned by the inspector*).

First
election of
trustees

- (2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time and place as the committee may determine.

R.S.O. 1960,
c. 368, s. 32,
subs. 3,
amended

- (2) Subsection 3 of the said section 32 is amended by adding at the end thereof "and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows:

- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. ^{Term of office} ^{R.S.O. 1960, c. 361}

(3) Subsection 5 of the said section 32 is amended by adding at the end thereof "and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 368, s. 32, subs. 5, amended}

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year, and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. ^{Subsequent elections} ^{R.S.O. 1960, c. 361}

5. *The Separate Schools Act* is amended by adding thereto the following section: ^{R.S.O. 1960, c. 368, amended}

32a.—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. ^{Detaching school from combined school}

- (2) The persons entitled to vote on the question are the supporters of the combined separate school who are heads of families resident closer by road to the school that it is proposed to detach than to any other separate school. ^{Persons entitled to vote}

- (3) If a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. ^{When school detached}

Adjustment
of assets,
etc.

- (4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 34 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator.

R.S.O. 1960,
c. 368, s. 36
(1960-61,
c. 94, s. 4),
re-enacted

6. Section 36 of *The Separate Schools Act*, as re-enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Urban
municipality
divided
into wards

- 36.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five
or more
wards

- (2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

Change from
election by
wards to
general vote

- (3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 35.

R.S.O. 1960,
c. 368, s. 36a
(1960-61,
c. 94, s. 4),
subs. 1,
re-enacted

7. Subsection 1 of section 36a of *The Separate Schools Act*, as enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Method of
changing
composition
and election
of board

- (1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 36 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution.

R.S.O. 1960,
c. 368, s. 53,
subs. 1,
re-enacted

8. Subsection 1 of section 53 of *The Separate Schools Act* is repealed and the following substituted therefor:

Notice of
withdrawal
of support

- (1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing, on or before the 30th day of September,

- (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
- (b) where the separate school is situated in territory without municipal organization,
 - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
 - (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

9. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 368,
amended

59b.—(1) Where the supporters of a separate school reside in two or more municipalities, the secretary of the board shall, Apportion-
ment of
costs

- (a) in the year in which the separate school is established or formed; or
- (b) where there are supporters of the separate school resident in a municipality other than a municipality in respect of which the last apportionment was made; or
- (c) where the amount of the assessment in one municipality for the purposes of the separate school has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (d) where, since the last apportionment, the sum of the percentage increase of the assessment for the purposes of the separate school in one municipality and of the percentage decrease of the assessment for the purposes of the separate school in another municipality is at least 10,

and in any case,

- (e) in each year that is divisible evenly by 5,

before

before the 1st day of October, notify the assessors of the municipalities in respect of which an apportionment is to be made, and the assessors shall, before the 1st day of December, meet and determine what portion of the annual sum to be raised for the purposes of the separate school shall be levied upon and collected from the supporters in each municipality, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

Calling of
meeting

- (2) The meeting of the assessors shall be called by the secretary of the board.

Where more
than one
assessor

- (3) Where there are more assessors in a municipality than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of
determina-
tion

- (4) Notice of the determination of the assessors shall be given forthwith to the secretary of the board, the clerk of each municipality concerned and the separate school inspector.

Arbitration
where
assessors do
not reach
decision

- (5) If the assessors do not reach a decision on or before the 1st day of December, the separate school inspector and the assessors shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Duration of
decision

- (6) The decision of a majority of the arbitrators is final until the next apportionment takes effect.

Correction of
errors in
award

- (7) The assessors or, in the case of an arbitration, the arbitrators, on the request in writing of the separate school inspector or of five supporters of the separate school may, within thirty days after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed.

Costs

- (8) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

Apportion-
ment in 1962

- (9) An apportionment shall be made under this section in the year 1962 for the purposes of taxation in the year 1963 in respect of each separate school the supporters of which reside in two or more municipalities.

10.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 3 comes into force on the 1st day of January, ^{Idem} 1963.

11. This Act may be cited as *The Separate Schools Amendment Act, 1961-62*. ^{Short title}

CHAPTER 133

An Act to amend The Succession Duty Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Succession Duty Act* R.S.O. 1960, c. 386, s.10, subs. 2, re-enacted is repealed and the following substituted therefor:

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Treasurer, Payment of insurance, where no consent necessary

(a) make payment not exceeding \$5,000 to the widow of the deceased; and

(b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and, where any such payment exceeds \$600, notice of such payment shall be transmitted forthwith to the Treasurer.

2. Clause *c* of subsection 1 of section 15 of *The Succession Duty Act* R.S.O. 1960, c. 386, s. 15, subs. 1, cl. c, amended is amended by inserting after "possession" in the third line "or commences to be enjoyed", so that the clause shall read as follows:

(c) for the payment of any duty with respect to an interest in expectancy that is not to be paid until such interest falls into possession or commences to be enjoyed or for any duty that is not ascertainable until some future time, by bond acceptable to him and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

R.S.O. 1960,
c. 386, s. 16,
subs. 1,
amended

3.—(1) Subsection 1 of section 16 of *The Succession Duty Act* is amended by striking out “paid” in the second line and inserting in lieu thereof “is payable” and by striking out “and if the duty or any part thereof is paid within such period no interest is chargeable or payable on the amount so paid” in the third and fourth lines, so that the subsection shall read as follows:

When duty
payable,
general rule

(1) Unless otherwise provided, duty is due at the death of the deceased and is payable within six months thereafter.

R.S.O. 1960,
c. 386, s. 16,
subs. 6,
amended

(2) Subsection 6 of the said section 16 is amended by inserting after “possession” in the fourth line “or commences to be enjoyed”, so that the subsection shall read as follows:

Interests in
expectancy
before
possession
or enjoyment

(6) Notwithstanding subsections 3, 4, 5 and 7, the duty mentioned in subsections 3 and 4 may, with the consent of the Treasurer, be paid after the time provided by subsection 1 and before such interest in expectancy falls into possession or commences to be enjoyed and shall be on the basis of the value of such interest in expectancy ascertained as provided in this Act as at the date when such consent is given and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists.

R.S.O. 1960,
c. 386, s. 16,
subs. 7,
re-enacted

(3) Subsection 7 of the said section 16 is repealed and the following substituted therefor:

Annuities,
etc.

(7) Where any interest in expectancy is an annuity, term of years, life estate or income, the duty mentioned in subsections 3 and 4, if not paid within the time provided by subsection 1, is due when such interest in expectancy commences to be enjoyed, and shall be paid in a number of equal annual instalments equal to,

(a) the number of years,

(i) of expectancy of life of the person by whom such interest in expectancy is enjoyed, ascertained as provided in subsection 4 of section 3, or

(ii) for which such annuity, term of years or income is to run,

as the case may be; or

(b) ten,

whichever

whichever is the lesser, on the basis of the value of the property in respect of which such interest in expectancy exists, at the date when such interest commences to be enjoyed, and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists, and such instalments shall commence one year after the date when such annuity, term of years, life estate or income commences to be enjoyed.

4.—(1) Subsection 1 of section 17 of *The Succession Duty Act* is amended by striking out “5” in the third line and inserting in lieu thereof “6” and by striking out “of death of the deceased” in the fourth line and inserting in lieu thereof “when such duty became payable”, so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 1, amended

(1) If the duty mentioned in subsection 1 of section 16, or any part thereof, is not paid within the time provided therein, interest at the rate of 6 per cent per annum from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on duty in s. 16, subs. 1

(2) Subsection 2 of the said section 17 is amended by striking out “5” in the third line and inserting in lieu thereof “6”, so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 2, amended

(2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate of 6 per cent per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid. Interest on duty in s. 16, subs. 2

(3) Subsection 3 of the said section 17 is amended by striking out “5” in the fourth line and inserting in lieu thereof “6” and by striking out “of falling into possession” in the fourth and fifth lines and inserting in lieu thereof “when such duty became payable”, so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 3, amended

(3) If the duty mentioned in subsection 5 of section 16, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate of 6 per cent per annum from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on duty in s. 16, subs. 5

R.S.O. 1960,
c. 386, s. 17,
subs. 4,
amended

(4) Subsection 4 of the said section 17 is amended by striking out "5" in the third line and inserting in lieu thereof "6", so that the subsection shall read as follows:

Interest on
duty in
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate of 6 per cent per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Application
of Act
R.S.O. 1960,
c. 386

5. Where the deceased died before this Act came into force, the provisions of *The Succession Duty Act* in force at the date of his death relating to the payment of interest on unpaid duty apply, except that, where an interest in expectancy falls into possession or commences to be enjoyed after this Act came into force and the duty in respect thereof is not paid within the time provided by subsection 1 of section 16 of *The Succession Duty Act*, the provisions of this Act apply.

Commence-
ment

6. This Act come into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Succession Duty Amendment Act, 1961-62*.

CHAPTER 134

An Act to amend The Summary Convictions Act

*Assented to December 15th, 1961
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 9 of section 6 of *The Summary Convictions Act* is amended by striking out “fifteen” in the third line and inserting in lieu thereof “twenty-one”, so that the subsection shall read as follows: R.S.O. 1960, c. 387, s. 6, subs. 9, amended

(9) Where a summons issued under subsection 8 is for a contravention of any provision of *The Highway Traffic Act*, it shall be served within twenty-one days of the date on which the person is required to appear by the original summons. Time for service of further summons for offence under R.S.O. 1960, c. 172

(2) Clause *a* of subsection 11 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 387, s. 6, subs. 11, cl. a, re-enacted

(*a*) the place and date of posting.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Summary Convictions Amendment Act, 1961-62*. Short title

CHAPTER 135

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1962, and the 31st day of March, 1963

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from the Honourable Preamble
John Keiller Mackay, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public services of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1962, and for the fiscal year ending the 31st day of March, 1963, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$1,004,083,500 granted by \$13,973,000 granted for fiscal year 1961-62
The Supply Act, 1960-61, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole 1960-61, c. 96
\$13,973,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1961, to the 31st day of March, 1962, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the further supplementary estimates upon which such schedule is based.

2. There may be paid out of the Consolidated Revenue \$1,077,440,000 granted for fiscal year 1962-63
Fund a sum not exceeding in the whole \$1,077,440,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1962, to the 31st day of March, 1963, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1961-62*.

SCHEDULE A

Department of Education.....	\$ 10,073,000
Department of Health.....	2,900,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 13,973,000
	<hr/>

SCHEDULE B

Department of Agriculture.....	\$ 17,431,000
Department of the Attorney General.....	25,316,000
Department of Economics and Development..	11,541,000
Department of Education.....	318,255,000
Department of Energy Resources.....	725,000
Department of Health.....	149,218,000
Department of Highways.....	264,276,000
Department of Insurance.....	466,000
Department of Labour.....	14,981,000
Department of Lands and Forests.....	31,895,000
Office of the Lieutenant Governor.....	26,000
Department of Mines.....	3,092,000
Department of Municipal Affairs.....	75,480,000
Department of the Prime Minister.....	169,000
Office of the Provincial Auditor.....	498,000
Department of the Provincial Secretary and Citizenship.....	3,903,000
Department of Public Welfare.....	76,191,000
Department of Public Works.....	49,877,000
Department of Reform Institutions.....	18,307,000
Department of Transport.....	5,810,000
Department of Travel and Publicity.....	2,223,000
Treasury Department.....	7,760,000
	<hr/>
	\$1,077,440,000
	<hr/>

CHAPTER 136

An Act to amend The Surrogate Courts Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 31 of *The Surrogate Courts Act* is amended by striking out "\$2,000" in the fifth line and inserting in lieu thereof "\$20,000", so that the subsection shall read as follows:

R.S.O. 1960,
c. 388, s. 31,
subs. 1,
amended

- (1) Any contentious cause or proceeding may be removed into the Supreme Court by order of a judge of such court if it is of such a nature and of such importance as to render it proper that it should be disposed of by the Supreme Court, and the property of the deceased exceeds \$20,000 in value.

Removal
of causes,
etc., to
S.C.O.

2. Section 76 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 388, s. 76,
re-enacted

- 76.—(1) Where the judge before whom any matter or proceeding under this Act is tried dies before disposing of it or having heard it has not disposed of it within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order that the matter or proceeding be reheard by such judge or junior judge of a surrogate court as he designates.

Rehearing

- (2) An order made under subsection 1 shall name the place where the matter or proceeding is to be reheard and, in making such order, the chief judge may give such other directions as he deems fit.

Idem

- (3) No proceedings in the matter or proceeding shall thereafter be taken without the order of the chief judge after notice.

Further
proceedings

- (4) Upon such rehearing, the evidence, exhibits and papers used at the trial shall be read and, after

Judgment
on rehearing

argument

argument by counsel, the presiding judge shall deal with the action as on an original trial and shall direct that judgment be entered by the county court clerk in accordance with his findings.

Costs of rehearing

- (5) The costs of the rehearing shall be fixed by the judge presiding at the rehearing, who shall also direct by whom they are to be paid.

Appeal

- (6) An appeal lies from such judgment or finding in the same manner and on the same terms as if the judgment had been pronounced at the trial.

Application of increased amount

- 3.** The increased amount provided in subsection 1 of section 31 of *The Surrogate Courts Act* by section 1 of this Act applies to contentious causes and proceedings that are commenced after section 1 of this Act comes into force.

Commencement

- 4.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The Surrogate Courts Amendment Act, 1961-62*.

CHAPTER 137

An Act to amend The Teachers' Superannuation Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 15 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 15,
subs. 1,
re-enacted

- (1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund, and every such payment shall be made by cheque of the Commission signed by any two of,

(a) the chairman of the Commission;

(b) a member of the Commission designated by the Commission for the purpose;

(c) the secretary of the Commission,

and any such signature may be affixed to any such cheque by use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means.

2. Subsection 3 of section 48 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 48,
subs. 3,
re-enacted

- (3) A person who has credit in the Fund,

(a) for fifteen or more school years; or

(b) for five or more years after attaining the age of fifty-five years,

and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority that employed him, was retired before

Refunds
for persons
forced to
retire
because
of age

he

he was entitled to an allowance under this Act is entitled to a refund of an amount equal to the amount of his contributions in the Fund with interest to the date of refund at the rate of 4 per cent per annum compounded half-yearly.

R.S.O. 1960,
c. 392, s. 58,
par. 27,
re-enacted

3. Paragraph 27 of section 58 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

27. defining active service and special war service, providing for credits under this Act in respect of active service or special war service, and prescribing the terms and conditions upon which such credits may be given, the method of determining the periods for which such credits may be given, and the amount thereof.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1961-62*.

CHAPTER 138

An Act to amend The Tile Drainage Act

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Tile Drainage Act* is repealed. R.S.O. 1960,
c. 399, s. 6,
repealed
2. Section 9 of *The Tile Drainage Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 399, s. 9,
re-enacted
 9. The Treasurer of Ontario may purchase, acquire and hold debentures issued under this Act to an extent not exceeding in the whole \$10,000,000 at any time, and pay therefor out of the Consolidated Revenue Fund. Purchase of
debentures
out of
Consolidated
Revenue
Fund
3. Section 14 of *The Tile Drainage Act* is amended by striking out "\$3,000 for each 100 acres or fraction thereof, nor" in the second line, so that the section shall read as follows: R.S.O. 1960,
c. 399, s. 14,
amended
14. The amount loaned to any one person shall not exceed 75 per cent of the total cost of the work. Limit o
loan to
individual
4. Section 21 of *The Tile Drainage Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister of Agriculture" and by inserting after "rods" in the fifth line "or feet", so that the section shall read as follows: R.S.O. 1960,
c. 399, s. 21,
amended
21. A council that has borrowed money shall, on or before the 15th day of January in each year, make a return to the Minister of Agriculture, showing, for the year that ended on the 31st day of December next preceding, the amount expended in drainage, the number of rods or feet of drain constructed, the names of the borrowers, the land upon which the Returns to
Minister of
Agriculture
by municipal
council

money

money has been lent, the names of the persons whose applications have been refused and the reasons in each case for the refusal.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Tile Drainage Amendment Act, 1961-62*.

CHAPTER 139

An Act to amend The Training Schools Act

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 21 of *The Training Schools Act* ^{R.S.O. 1960, c. 404, s. 21} is amended by striking out "and provide for such visits" in ^{subs. 3,} the fifth line and by adding at the end thereof "and shall provide for visits and reports by a member of the rehabilitation staff of the Department", so that the subsection shall read as follows:

- (3) The Board shall exercise and maintain supervision ^{Supervision after leaving school} over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records as may be prescribed by the regulations, and shall provide for visits and reports by a member of the rehabilitation staff of the Department.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Training Schools Amend-* ^{Short title} *ment Act, 1961-62.*

CHAPTER 140

An Act to amend The Trustee Act

Assented to December 15th, 1961
Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 30 of *The Trustee Act* is amended by striking out “60 per cent” in the twelfth line and inserting in lieu thereof “two-thirds”, so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 408, s. 30, amended

(1) A trustee lending money upon the security of any property upon which he may lawfully lend is not chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed two-thirds of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report. When trustee not chargeable for lending, on insufficient security

(2) The said section 30 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 408, s. 30, amended

(2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds two-thirds of the value of the property mortgaged. on N.H.A. mortgages 1953-54, c. 23 (Can.)

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trustee Amendment Act, 1961-62*. Short title

CHAPTER 141

An Act to amend The Variation of Trusts Act

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Variation of Trusts Act* is amended by adding thereto the following section: R.S.O. 1960,
C. 413,
amended

2. Where a person proposes that an arrangement be approved by the Supreme Court under this Act and the court makes an order with respect thereto that affects any trust or the powers of trustees mentioned in a will that is the subject of any grant from a surrogate court, the order shall contain a provision requiring such person to forthwith cause a certified copy of the order to be filed with the registrar of the surrogate court that made the grant. Where
surrogate
court grants
affected

2. This Act may be cited as *The Variation of Trusts Amendment Act, 1961-62*. Short title

CHAPTER 142

An Act to amend The Vital Statistics Act

Assented to (except sec. 2) December 15th, 1961

Sec. 2 assented to April 18th, 1962

Session Prorogued April 18th, 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *v* of section 1 of *The Vital Statistics Act* is amended ^{R.S.O. 1960, c. 419, s. 1, cl. v, amended} by striking out "twenty-eighth" in the second line and inserting in lieu thereof "twentieth", so that the clause shall read as follows:

(*v*) "still-birth" means the complete expulsion or extraction from its mother after the twentieth week of pregnancy of a foetus that did not at any time after being completely expelled or extracted from the mother breathe or show any other sign of life.

2. Section 36 of *The Vital Statistics Act* is amended by ^{R.S.O. 1960, c. 419, s. 36, amended} striking out "and" at the end of clause *n* and by striking out clause *o* and inserting in lieu thereof the following:

(*o*) transmit to the proper division registrar within forty-eight hours every statement of birth received by him that did not occur within his registration division; and

(*p*) transmit to the proper division registrar within forty-eight hours notice of every registration of death or still-birth made by him that did not occur within his registration division.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Vital Statistics Amendment Act, 1961-62*. ^{Short title}

PART II
PRIVATE ACTS

Chapters 143 to 176

CHAPTER 143

An Act respecting the Baudette and Rainy River Municipal Bridge

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Town of Rainy River ^{Preamble} by its petition has prayed for special legislation exempting Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, from any municipal taxation of any kind by The Corporation of the Town of Rainy River that might otherwise be assessed by The Corporation of the Town of Rainy River against Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge; and whereas an application is being made by Baudette and Rainy River Municipal Bridge Company to the Governor in Council for sanction of an assignment, transfer and conveyance to the Village of Baudette of the said bridge and all rights and powers acquired by Baudette and Rainy River Municipal Bridge Company, including those rights and powers acquired under *An Act to incorporate Baudette and Rainy River Municipal Bridge Company*; ^{1955, c. 61 (Can.)} and whereas The Corporation of the Town of Rainy River has represented that the Baudette and Rainy River Municipal Bridge is exempt from municipal taxation in the State of Minnesota; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Town of Rainy River may by by-law exempt Baudette and Rainy River Municipal Bridge Company, the Village of Baudette in the State of Minnesota, one of the United States of America, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, from all municipal taxation ^{Exemption from taxation authorized}

by

by The Corporation of the Town of Rainy River, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes, that might otherwise be assessed by The Corporation of the Town of Rainy River against Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, by virtue of the ownership and operation by Baudette and Rainy River Municipal Bridge Company, or the Village of Baudette, of the said bridge, and of any structures and property forming part of, or used in connection with, the said bridge.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Baudette and Rainy River Municipal Bridge Act, 1961-62*.

CHAPTER 144

An Act respecting the City of Belleville

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

WHEREAS The Corporation of the City of Belleville by ^{Preamble} its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The City of Belleville Act*, 1948, c. 102, 1948 is amended by adding at the end thereof "or in a trust ^{s. 12, subs. 1, amended} company registered under *The Loan and Trust Corporations Act*", so that the subsection shall read as follows:

- (1) All moneys received by the Board of Governors or ^{Disposition of moneys} by the officer in charge of the Hospital, for the uses thereof, shall be deposited in a special account to be kept in the name of the Board of Governors in a chartered bank in the City of Belleville or in a trust company registered under *The Loan and Trust* ^{R.S.O. 1960, c. 222} *Corporations Act*.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The City of Belleville Act*, ^{Short title} 1961-62.

CHAPTER 145

**An Act respecting
Christ Church, Amherstburg**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS the Churchwardens and Rector, being the ^{Preamble} corporation to represent the interest of the Church, by their petition have represented that Loftus Cuddy, late of the City of Cleveland, in the State of Ohio, one of the United States of America, died in the year 1916, leaving a will, dated March 13, 1913; that probate of such will was duly granted in the year 1916 to The Citizens Savings and Trust Company of Cleveland, Ohio, named in the will; that by item 10 of such will the sum of \$5,000 was bequeathed to Christ Church (Episcopal), Amherstburg, Ontario, Canada, to be paid within two years after the decease of the testator; that such money was paid to the Church on or about September 7, 1918, and that the use thereof was restricted as follows:

“I give and bequeath to Christ’s Church (Episcopal), Amherstburg, Ontario, Canada, five thousand dollars (\$5,000.00) same to be paid by my executor within two years after my decease. Said sum of five thousand dollars shall be held by said Church as a permanent endowment fund to be known as the ‘Loftus Cuddy Endowment Fund’ and shall be managed and invested by the Board of Trustees of said Church or such other officers as have charge of the investing of endowment funds of said Church and the income derived from said fund shall be used for the benefit of the poor of the parish connected with said Church.”;

that at the time of the death of the testator there existed no provincial or dominion legislation for the relief of the poor, such as old age pensions, unemployment insurance, mothers’ and widows’ allowances, workmen’s compensation, veterans’ allowances and pensions and general welfare relief by dominion, provincial and municipal governments; that within the last eleven years there has been expended from the income derived from such fund the sum of \$199.60; that there is in such fund at the present time the sum of \$9,404.21 in two first mortgages amounting to \$6,290, a bank account

amounting

amounting to \$614.21 and dominion government bonds amounting to \$2,500; that the restrictions incidental to such trust make it impracticable to use wisely the income of such trust in its entirety; and that there is on hand a substantial sum for which there is no immediate or prospective requirement for the benefit of those designated as beneficiaries by such trust, and it is advisable that such income should be expended in the discretion of the petitioners to advance the interests, or relieve the distress, of the parish connected with the Church; and whereas the petitioners have prayed for special legislation to widen the terms of such trust to permit the use of the income therefrom for the benefit of the parish connected with the Church; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Use of
income of
trust fund

1. The Corporation of Christ Church, Amherstburg is hereby authorized, empowered and permitted to use the existing accumulated income in excess of the principal of \$5,000, together with all future income derived from such principal amount of such trust fund, for the charitable or worthy purposes of or within the parish connected with such Church.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Christ Church, Amherstburg Act, 1961-62*.

CHAPTER 146

An Act respecting the Village of Erie Beach

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Village of Erie Beach ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *An Act to incorporate the Village of Erie Beach*, ^{1916, c. 70, s. 4,} being chapter 70 of the Statutes of Ontario, 1916, is ^{re-enacted} repealed and the following substituted therefor:

4. The village is entitled to be represented in the ^{Representa-} council of the County of Kent. ^{tion in}
^{council}

2. Subsection 1 of section 7 of the said *An Act to incorporate the Village of Erie Beach* is amended by striking out "except ^{1916, c. 70, s. 7, subs. 1,} that it shall not be necessary for a person to reside within the said village or within two miles thereof in order to be qualified to be elected a member of the Council" in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

(1) Save as in this Act otherwise expressly provided, all ^{Application} the provisions of *The Municipal Act* and of any ^{of} other general Act applicable to villages shall apply ^{R.S.O. 1960, c. 249} to the said village to the same extent as if the said village had been incorporated under the provisions of *The Municipal Act*.

3. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1962. ^{ment}

4. This Act may be cited : : *The Village of Erie Beach Act*, ^{Short title} 1961-62.

CHAPTER 147

**An Act respecting the County of Essex,
the Town of Leamington and The
Public Utilities Commission of
the Town of Leamington**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the County of Essex,^{Preamble}
The Corporation of the Town of Leamington and The
Public Utilities Commission of the Town of Leamington by
their petition have prayed for special legislation in respect of
the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Agreement between The Corporation of the County^{Agreement confirmed}
of Essex, The Corporation of the Town of Leamington and
The Public Utilities Commission of the Town of Leamington,
bearing date the 1st day of November, 1961, and set forth
as the Schedule hereto, is ratified and confirmed and declared
to be legal, valid and binding upon the parties thereto.

2. *An Act respecting the Town of Leamington*, being chapter<sup>1900, c. 73,
repealed</sup>
73 of the Statutes of Ontario, 1900, is repealed.

3. This Act comes into force on the day it receives Royal<sup>Commence-
ment</sup>
Assent.

4. This Act may be cited as *The County of Essex and the*^{Short title}
Town of Leamington Act, 1961-62.

SCHEDULE

THIS AGREEMENT made this First day of November, A.D. 1961.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF ESSEX,
hereinafter called the "County",

OF THE SECOND PART,

—and—

THE PUBLIC UTILITIES COMMISSION OF THE TOWN OF
LEAMINGTON,
hereinafter called the "Commission",

OF THE THIRD PART.

WHEREAS by Memorandum of Agreement made the 19th day of January, 1900 between the Town and the County, the said Town agreed to furnish, upon the terms set out in such Agreement, natural gas, water and light to The House of Refuge about to be erected by the County on lands lying adjacent to the said Town;

AND WHEREAS the said Agreement was ratified, confirmed and declared to be legal and valid and to be binding upon the parties thereto, by 63 Victoria, 1900, Statutes of Ontario, Chapter 73, being an Act respecting The Town of Leamington;

AND WHEREAS the Town has carried out the terms of the said Agreement;

AND WHEREAS The House of Refuge is now known as The Sun Parlour Home for Senior Citizens;

AND WHEREAS the parties hereto are desirous of entering into a new Agreement for the supply of water to The Sun Parlour Home for Senior Citizens.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. The said Agreement bearing date the 19th day of January, 1900 between the Town and the County is hereby declared null and void and of no effect.

2. The Town and/or the Commission, their servants, agents or workmen shall furnish and maintain without cost or expense to the County a main of not less than 6" in diameter for the delivery of water to a point to be designated by the County in the South limit of Lot No. 242, North Talbot Road, in the Township of Mersea.

3. The County may freely and lawfully and without molestation or hindrance from the Town or the Commission, their servants, agents or workmen pipe from the main referred to above whatever water is required for the purposes of The Sun Parlour Home for Senior Citizens to the same extent as if the said The Sun Parlour Home for Senior Citizens was situate in the Town of Leamington.

4. The County shall pay to the Town and/or the Commission for all water used by the County at The Sun Parlour Home for Senior Citizens an amount equal to the price paid by the Town for such water to The Ontario Water Resources Commission, its successors or assigns.

5. The Town and/or the Commission shall install and maintain at its or their expense a water meter at The Sun Parlour Home for Senior Citizens in order to properly measure and record the volume of water used by the County at the said The Sun Parlour Home for Senior Citizens.

6. The Commission shall forward to the County on or about the last day of each of the months of March, June, September and December, in each year an account for the water used by the County at the said The Sun Parlour Home for Senior Citizens during the three-month period ending on such date and the County shall remit to the Commission the amount shown on the said account within forty-five days following the date such account was rendered.

7. The Town shall without expense to the County assist in controlling and extinguishing fires at the said The Sun Parlour Home for Senior Citizens in the same manner as if the said The Sun Parlour Home for Senior Citizens was situate in the Town of Leamington.

8. The parties hereto shall forthwith petition the Legislature of the Province of Ontario for an Act to confirm and validate this Agreement.

9. This Agreement shall not take effect or be binding upon the parties hereto until confirmed and validated by an Act of the Legislature of the Province of Ontario. When so confirmed and validated the said Agreement shall continue in effect and be binding upon the parties hereto for so long as the County continues to maintain a home on said Lot No. 242 North Talbot Road in the said Township of Mersea pursuant to the provisions of *The Homes for the Aged Act*, R.S.O. 1960, Chapter 174, and any Act passed and enacted in substitution thereof or by way of re-enactment, amendment, revision or consolidation thereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals, attested by the hands of their proper officers.

THE CORPORATION OF THE TOWN OF LEAMINGTON:

A. R. CULLEN,
Mayor.

(Seal)

A. D. JORDAN,
Clerk.

THE CORPORATION OF THE COUNTY OF ESSEX:

R. McDONALD,
Warden.

(Seal)

C. A. KEELEY,
Clerk.

THE PUBLIC UTILITIES COMMISSION OF THE
TOWN OF LEAMINGTON:

CHARLES W. HOWDON,
Chairman.

(Seal)

J. H. ANDERSON,
Manager.

CHAPTER 148

An Act respecting the Township of Etobicoke

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Township of Etobicoke by its petition has represented that *The Public Parks Act* was adopted by the Township of Etobicoke by by-law after the petition had been lodged and favourable vote of the ratepayers obtained in accordance with the provisions of *The Public Parks Act*, and that there is no provision for the repeal of such by-law in any applicable legislation; and whereas the petitioner has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble
R.S.O. 1960,
c. 329

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 8194 of The Corporation of the Township of Etobicoke, being a by-law to adopt *The Public Parks Act*, is repealed.

By-law
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Township of Etobicoke Act, 1961-62*.

Short title

CHAPTER 149

**An Act respecting
Greater Oshawa Community Chest**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS Greater Oshawa Community Chest by its ^{Preamble} petition has represented that it was incorporated under *The Corporations Act, 1953*; and whereas the petitioner has ^{1953, c. 19} prayed for special legislation in respect of the matter herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding subsection 2 of section 79 of *The Corporations Act*, Greater Oshawa Community Chest may ^{Notice of meetings} give notice of meetings of its members by publishing such ^{R.S.O. 1960, c. 71} notice at least once in a daily newspaper published in the City of Oshawa in such manner as the by-laws of Greater Oshawa Community Chest may now or hereafter provide.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Greater Oshawa Community* ^{Short title} *Chest Act, 1961-62.*

CHAPTER 150

An Act respecting the City of Hamilton

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

WHEREAS The Corporation of the City of Hamilton, ^{Preamble}
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter set
forth; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Notwithstanding subsection 4 of section 3 of *The* ^{Assessment of private drain connections R.S.O. 1960, c. 223}
Local Improvement Act, where the width of a street exceeds
sixty-six feet, the amount to be assessed against each lot in
respect of each private drain connection, whether for sanitary,
storm or combined sewage, not exceeding six inches in dia-
meter, installed in the City of Hamilton shall not exceed the
cost of such a private drain connection thirty-three feet in
length, and the cost of the part of such a private drain in
excess of thirty-three feet in length shall be part of the
Corporation's portion of the cost.

(2) The Corporation may refund out of current revenue ^{Refunds authorized}
the difference between the amount actually assessed against
any lot in respect of each such private drain connection
after the 31st day of December, 1958, and the amount that
would have been assessed against such lot if this section had
been in force at the time of such assessment.

2. The Corporation is authorized to license and regulate ^{Licensing and regulating untravelling portions of highways R.S.O. 1960, c. 296}
the use of untravelling portions of the highways within any
area of the City of Hamilton, designated as a commercial
or industrial area pursuant to the provisions of *The Planning*
Act, for such consideration and upon such terms and condi-
tions as may be agreed upon.

3. This Act comes into force on the day it receives Royal ^{Commence-ment}
Assent.

4. This Act may be cited as *The City of Hamilton Act*, ^{Short title}
1961-62.

CHAPTER 151

An Act respecting the City of Hamilton

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

WHEREAS The Corporation of the City of Hamilton ^{Preamble}
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of The Corporation of the City of <sup>Authority
to repeal
By-law
No. 83</sup>
Hamilton may, by by-law passed without the assent of the
electors, repeal By-law No. 83, entitled “To Provide for the
Adoption of *The Public Parks Act* in the City of Hamilton”,
passed by the council of the Corporation on the 8th day of
January, 1900, on the petition of more than 500 electors,
pursuant to the provisions of *The Public Parks Act*. <sup>R.S.O. 1897,
c. 233</sup>

(2) When a by-law passed under subsection 1 becomes <sup>Effect of
repeal</sup>
effective, all the assets and liabilities of The Board of Park
Management of the City of Hamilton are vested in The
Corporation of the City of Hamilton.

(3) On and after the effective date of a by-law passed under <sup>Effect of
dissolution
of Board
of Park
Management</sup>
subsection 1, any reference to The Board of Park Manage-
ment of the City of Hamilton in any general or special Act
shall be deemed to be a reference to The Corporation of the
City of Hamilton.

(4) Where a by-law is passed under subsection 1, the council <sup>Board of
management</sup>
of The Corporation of the City of Hamilton may appoint a
committee, composed of three members of the council and
four resident ratepayers who are qualified to be elected as
members of the council, to act on its behalf as a board of
management for the administration of parks, recreational
areas, community centres and community recreational pro-
grammes.

Grants to
H.T.C.

2. The Corporation of the City of Hamilton may make grants to the Hamilton Transit Commission to cover the cost of providing, within whatever hours may be specified, transportation free of charge or at a reduced rate to a recipient of a governmental benefit under the *Old Age Security Act* (Canada), or under *The Old Age Assistance Act*, residing in the municipality, or to any resident of the municipality who, but for lack of Canadian citizenship, would be entitled to such governmental benefit.

R.S.C. 1952,
c. 200
R.S.O. 1960,
c. 267

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Hamilton Act, 1961-62 (No. 2)*.

CHAPTER 152

An Act respecting Hamilton Civic Hospitals

Assented to April 18th, 1962
Session Prorogued April 18th, 1962

WHEREAS The Corporation of the City of Hamilton ^{Preamble 1898, c. 43} by its petition has represented that, pursuant to *An Act relating to the City Hospital of Hamilton*, being chapter 43 of the Statutes of Ontario, 1898, it owns and operates three hospitals in the City of Hamilton, known as the Hamilton General Hospital, the Mount Hamilton Hospital and the Nora-Frances Henderson Hospital; and whereas the Corporation deems it desirable to repeal such Act and to create a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals" and vest in it the general management, operation and maintenance of the existing hospitals and any hospitals hereafter acquired by the Corporation, and transfer to it all personal property now employed by the Corporation in the operation of the existing hospitals; and whereas the petitioner has prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The general management, operation and maintenance ^{Board of Governors incorporated} of all the hospitals now owned or hereafter acquired by The Corporation of the City of Hamilton, hereinafter called the City, are hereby vested in a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals", hereinafter called the Board, and by that name the Board has perpetual succession and a corporate seal and may under that name sue and be sued, contract and be contracted with, and acquire and hold personal property or movables for the purpose for which the corporation is constituted.

2. The Board shall be composed of twenty-three members, ^{Composition of Board} consisting of,

- (a) the Mayor of the City, or an Alderman thereof appointed by him to act in his stead for the remainder of the term for which the Mayor was elected,

the

the President of the Medical Staff and the Chairman of the Medical Staff Advisory Committee, and the President of the Women's Auxiliary, who shall be members during their term of office;

- (b) one Controller and two Aldermen of the City appointed annually by the council of the City, hereinafter called the Council; provided, however, that, should any member so appointed for any reason cease to be a member of the Council, he shall automatically cease to be a member of the Board;
- (c) sixteen members appointed by the Council, of whom eight shall be nominated by the Board of Control of the City and eight by the Hamilton Hospital Associates, all of whom shall be members for a term of four years and until their successors are appointed; provided, however, that, of the first sixteen members to be so appointed, four shall be appointed for a term to expire on the 1st day of January, 1966, four for a term to expire on the 1st day of January, 1965, four for a term to expire on the 1st day of January, 1964, and four for a term to expire on the 1st day of January, 1963; provided, also, that two of the four members appointed for each term shall be nominated by the Board of Control and two by the Hamilton Hospital Associates.

Council
members
not eligible

3. No member of the Council is eligible to be appointed a member of the Board under the provisions of clause c of section 2 during his term of office or, in the event that he has for any reason ceased to be a member of the Council, during the unexpired term for which he was elected.

Filling
vacancies

4. In the case of a vacancy by the death or resignation of a member of the Board or from any cause other than the expiration of the term for which he was appointed, the Council shall, as soon as possible, fill such vacancy by appointing in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-
appointment

5. Any member of the Board appointed by the Council is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

Termination
of office

6. The term of office of any or all of the members of the Board appointed by the Council may be terminated at any time by a vote of at least two-thirds of all the members of the Council.

7. The first appointment of members of the Board shall be made within one month after the day this Act comes into force, and thereafter the appointments shall be made annually at the first regular meeting of the Council in each year or so soon thereafter as possible. ^{Time for appointment}

8. The first members of the Board shall meet within one month after their appointment for the purpose of organization, and shall elect from among themselves a chairman and one or more vice-chairmen and the chairman and members of each of the standing committees, and shall appoint a secretary and a treasurer, who shall hold office at the pleasure of the Board or for such period as the Board may prescribe. ^{Organization meeting}

9. The Board shall meet at least once every three months. ^{Meetings of the Board}

10. In addition to such standing committees as the Board may from time to time determine, the Board may elect from among its members an executive committee, consisting of not less than three and not more than seven members, and may delegate to it such powers of the Board as the Board may by by-law determine from time to time. ^{Executive committee}

11. No business shall be transacted at any special or general meeting of the Board unless a majority of the members thereof is present. ^{Quorum}

12. The members of the Board shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the Board. ^{No remuneration}

13. Subject to *The Public Hospitals Act* and any regulations made thereunder and to *The Hospital Services Commission Act* and any regulations made thereunder, the Board is responsible for the general management, operation and maintenance of all the hospitals now owned or hereafter acquired by the City, hereinafter called the Hamilton Civic Hospitals, and, save as hereinafter provided, may exercise all the powers hitherto exercised by the City with respect thereto, including, but without limiting the generality of the foregoing, the power, ^{Powers of Board} ^{R.S.O. 1960, cc. 322, 176}

- (a) to enact by-laws for the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (b) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the Hamilton

Civic Hospitals, and to fix their remuneration and prescribe their duties and working conditions;

- (c) to provide pensions, to establish a plan of sick leave credit gratuities and to provide group life insurance for such employees or any class thereof, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment therefor, for such employees or any class thereof and their wives or husbands and children, and to contribute toward the cost thereof, and toward the cost to such employees of the plan for hospital care insurance provided under *The Hospital Services Commission Act*;
- (d) subject to *The Hospital Services Commission Act* and to any regulations made thereunder, to fix the fees to be charged patients for accommodation in and services rendered by the Hamilton Civic Hospitals;
- (e) to plan, contract for and supervise the erection, equipment and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes;
- (f) to invest from time to time any surplus funds in any securities authorized by law for the investment of trust funds.

R.S.O. 1960,
c. 176

Real
property
R.S.O. 1960,
c. 322

14. All real property hereafter acquired by the Board, pursuant to *The Public Hospitals Act* or otherwise, shall be vested in the City, and, notwithstanding anything herein contained, the Board has no power to sell, lease, mortgage or otherwise dispose of any land, buildings or fixtures owned by the City.

Personal
property

15. All personal property employed by the City in the operation of the Hamilton Civic Hospitals on the 30th day of June, 1962, including furniture, equipment, supplies, accounts receivable and cash on hand, together with all personal property thereafter acquired by the Board, shall be deemed to be vested in the Board in trust for the City, and the Board shall,

- (a) assume responsibility for the payment of all liabilities then existing in respect of the general management, operation and maintenance of the Hamilton Civic Hospitals;

(b)

- (b) be bound by the terms of all contracts then existing made by the City in respect of the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (c) forthwith enter into a collective agreement with each of the bargaining units of the employees of the Hamilton Civic Hospitals on the same terms and conditions as the collective agreements then existing between the City and each such bargaining unit;
- (d) obtain the approval of the City to any expenditure not wholly recoverable from the Hospital Services Commission of Ontario.

16. The auditors of the City shall be the auditors of the ^{Auditors} Board, and all books, documents, transactions and accounts of the Board shall at all times be open for the inspection of the treasurer and the auditors of the City.

17. In addition to the powers now conferred by *The* ^{Powers of the City} *Municipal Act* upon the councils of all municipalities to pass ^{R.S.O. 1960, c. 249} by-laws for granting aid to public hospitals, the City may from time to time,

- (a) make grants to the Board for any of the purposes of the Board;
- (b) make temporary loans to the Board of any money that, in the opinion of the treasurer of the City, may be required by the Board for the current operating expenses of the Hamilton Civic Hospitals, and may prescribe the interest chargeable, the time for repayment and the security to be given for any such loan.

18.—(1) The City shall, in each year, levy on the whole ^{City responsible for operating deficit} of the assessment for property and business assessment, according to the last revised assessment roll, a sum sufficient to provide for the operating deficit, if any, incurred by the Board during the preceding fiscal year according to the financial statement reported upon by the auditors of the City, and shall pay over to the Board the amount of any such operating deficit on or before the first day of May of the same year.

(2) In determining whether or not an operating deficit ^{Operating deficit} has been incurred by the Board within the meaning of subsection 1, the amount of the settlement of any claim, account or demand made upon the Board and the amount of any final judgment

obtained

obtained against the Board, to the extent that such settlement or judgment is not recoverable from an insurer of the Board, shall be paid by the Board and charged against the operating revenues of the Board.

City
responsible
for working
capital

(3) The City shall, on or before the 30th day of June, 1962, provide the Board with such working capital as may be necessary for the general management, operation and maintenance of the Hamilton Civic Hospitals.

Annual
report

19. The Board shall submit to the City an annual report on the affairs of the Hamilton Civic Hospitals for the preceding year in a form acceptable to the Council.

Gifts to
hospitals
deemed
gifts to
Board

20. All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to the City Hospital of Hamilton now known as Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or the Hamilton Civic Hospitals shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the Board and, in the case of real property, to the City for the purposes of the Hamilton Civic Hospitals under this Act, and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such personal property to the Board and shall convey all such real property to the City, and the receipt of the Board or the City, as the case may be, shall be a sufficient discharge therefor.

Recovery
of charges

21. The Board is entitled to recover from a patient, other than one who is unable by reason of poverty to pay for the same, the charges fixed by the Hospital Services Commission of Ontario for treatment in the Hamilton Civic Hospitals.

Right of
recourse
by City

22. Any payment made by the City of an account rendered to it by the Board for treatment of a patient or the payment by the City of any expenses of burial of a deceased patient shall be deemed to be a payment for which the City is entitled to exercise the right of recourse from the patient or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law with respect to such dependant, conferred upon municipalities by *The Public Hospitals Act*.

R.S.O. 1960,
c. 322

23. The Board shall at all times cause to be insured all ^{Insurance} personal property vested in the Board in trust for the City, and such insurance shall include public liability and indemnity insurance in connection with all phases of the general management, operation and maintenance of the Hamilton Civic Hospitals, except only such items of liability as may be covered by *The Workmen's Compensation Act*.

R.S.O. 1960,
c. 437

24. All claims, accounts and demands arising from or ^{Claims} relating to the management, operation or maintenance of the Hamilton Civic Hospitals or from the exercise of any of the powers of the Board shall be made upon and brought against the Board and not upon or against the City.

25. Notwithstanding section 26, the lands, buildings and ^{Property} fixtures now owned by the City for hospital purposes shall ^{owned} continue to be vested in the City until the same or any ^{by City} portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes and sell or otherwise dispose of the same or any portions thereof when no longer required for such purposes.

26. *An Act relating to the City Hospital of Hamilton* is ^{1898, c. 43,} repealed.

repealed

27. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

28. This Act may be cited as *The Hamilton Civic Hospitals* ^{Short title} *Act, 1961-62*.

CHAPTER 153

An Act respecting the Town of Hearst

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Town of Hearst by ^{Preamble} its petition has represented that it is the registered owner of the land known as Parcel 724 in the Register for Centre Cochrane, District of Cochrane, on condition that such land be used for cemetery purposes only, as set out in a patent issued by the Department of Lands and Forests, and that a part of such land has been occupied for at least ten years by Joseph David Levesque in the operation of a saw mill and planing mill; and whereas the petitioner has prayed for special legislation to vest that part of such land occupied by Joseph David Levesque in the name of Joseph David Levesque in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The land composed of that part of Parcel 724 in the Register for Centre Cochrane, District of Cochrane, now occupied by Joseph David Levesque, and more particularly described as follows: ^{Land vested in J. D. Levesque}

IN THE TOWN of Hearst in the District of Cochrane, being part of the unsubdivided portion of the said town, and being part of the land entered in the Office of Land Titles at Cochrane as Parcel 724 in the Register for Centre Cochrane, containing 0.86 acres, be the same more or less, as shown on a sketch by A. M. Mackay, Ontario Land Surveyor, dated at Cochrane, Ontario, September 14, 1961, described as follows:—

PREMISING that the southerly limit of the 66-foot road allowance laid out along the southerly limit of the Right of Way of the Canadian National Railways has a bearing of North 74 degrees, 20 minutes West, and relating all bearings herein thereto:

STARTING at the intersection of the easterly limit of First Street with the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit of road allowance 1280.27 feet (19.398 chains) to a survey post planted at the point of commencement;

THENCE

THENCE South 15 degrees, 40 minutes West 456.23 feet to the northerly limit of River Street as shown on Plan M-30 Cochrane;

THENCE North 53 degrees, 59 minutes West along the northerly limit of River Street 89.90 feet to a survey post planted;

THENCE North 15 degrees, 40 minutes East 268.96 feet to a survey post planted;

THENCE North 2 degrees, 06 minutes West 163.82 feet to a survey post planted in the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit 134.29 feet, more or less, to the point of commencement.

is hereby vested in Joseph David Levesque, of the Town of Hearst in the District of Cochrane, in fee simple.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of Hearst Act, 1961-62*.

CHAPTER 154

**An Act respecting
Laurentian University of Sudbury**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS Laurentian University of Sudbury by its ^{Preamble} petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Laurentian University of Sudbury Act*, ^{1960, c. 151,} ^{s. 1, re-} ^{enacted} 1960 is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "affiliated college" means a college affiliated with the University;
- (b) "Board" means the Board of Governors of the University;
- (c) "college" means an institution of higher learning;
- (d) "federated college" means a college federated with the University;
- (e) "federated university" means a university federated with the University;
- (f) "property" includes all property, both real and personal;
- (g) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof or any estate or interest therein;

(h)

- (h) "Senate" means the Senate of the University;
- (i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
- (j) "University" means Laurentian University of Sudbury.

1960, c. 151,
ss. 4, 5,
re-enacted

2. Sections 4 and 5 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor:

Powers:

4.—(1) The University has university powers, including the power,

establish
courses

- (a) to establish and maintain, in either or both of the French and English languages, such faculties, schools, institutes, departments and chairs as determined by the Board, other than those already established by The University of Sudbury, which faculties, schools, institutes, departments and chairs are continued in the University under authority of the Board and Senate;

degrees

- (b) to confer university degrees, honorary degrees, awards and diplomas in any and all branches of learning, except in Theology;

University
College

- (c) to establish a college of the University within the Faculty of Arts and Science, to be known as University College, which college shall give instruction in either or both of the French and English languages in such subjects, excepting religious knowledge, as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in the University;

federation
of church-
related
colleges

- (d) to admit church-related universities or colleges into federation as colleges of the Faculty of Arts and Science, which church-related universities or colleges have the right to give

instruction

instruction in philosophy and religious knowledge and in such other subjects as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in University College;

- (e) to permit federation or affiliation of other colleges or universities with the University and to make agreements for federation or affiliation with other colleges or universities, provided that Hearst College and Prince Albert College, presently affiliated with The University of Sudbury, may enter into agreements to affiliate with the University; ^{federation}
- (f) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding; ^{University property R.S.O. 1960, c. 191}
- (g) without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the ^{R.S.O. 1960, c. 249} ^{expro-}^{priation}

clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board;

borrowing

(h) if authorized by by-law of the Board,

- (i) to borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board,
- (ii) to make, draw and endorse promissory notes or bills of exchange,
- (iii) to hypothecate, pledge, charge or mortgage any or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,
- (iv) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any such bonds, debentures and obligations.

Enrolment
of students

- (2) Every undergraduate student in the Faculty of Arts and Science shall enrol either in University College or in one of the church-related colleges of the Faculty.

University
non-denomi-
national

5. The management and control of the University shall be non-denominational, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University, but such management and control shall be based upon Christian principles.

1960, c. 151,
s. 10,
amended

3. Section 10 of *The Laurentian University of Sudbury Act, 1960* is amended by striking out "whatsoever" in the third and fourth lines and inserting in lieu thereof "whomsoever", so that the section shall read as follows:

10. Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of the University or for or on account or in respect of any matter or thing whatsoever relating to the University.

Members
and
officers not
individually
liable for
debts

4. Sections 13 to 28 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor:

1960, c. 151,
ss. 13-28,
re-enacted

13. The persons named in section 2 and five persons to be named by the Lieutenant Governor in Council, together with the President when appointed, shall constitute the Board of Governors of the University.

Constitution
of Board

14. The members of the Board shall hold office as follows:

Terms
of office

(a) of the members mentioned in section 2, six shall hold office for a period of one year, six shall hold office for a period of two years, and seven shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board, and such election shall be for a period of three years, and so on from time to time;

(b) the members of the Board appointed by the Lieutenant Governor in Council shall hold office for three years and until their successors are appointed by the Lieutenant Governor in Council;

(c) as the term of any member of the Board expires, such member is eligible for re-election or re-appointment.

15. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching and administrative staff of the University or of any federated or affiliated college or any member of the staff, Board, Senate or governing body of any other degree-granting institution is eligible for appointment or election as a member of the Board.

Eligibility

Filling
vacancies

16. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled by the Board, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Chairman
and vice-
chairman

- 17.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and, in case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman.

Idem

- (2) In case of the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman.

Manage-
ment of
University
vested in
Board

- 18.—(1) Except as to such matters as are by this Act specifically assigned to the President, the Senate, federated universities and federated colleges, all powers over, in respect of or in relation to the government, financial management and control of the University and of its officers, servants and agents, its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University and, without limiting the generality of the foregoing, has power,

(a) to appoint and dismiss the President and Vice-Presidents;

(b) upon the recommendation of the President, to appoint and dismiss the heads and associate heads of the faculties, departments and colleges of the University, other than of federated universities or colleges or of affiliated universities or colleges, and the professors and other members of the teaching staff of the University, other than of federated universities or colleges or of affiliated universities or colleges, and to appoint and dismiss all other officers, servants, agents and employees of the University, other than of federated universities or colleges and other than of affiliated universities or colleges, and the tenure of office

and

and employment of all such appointments made by the Board shall, unless otherwise provided, be during the pleasure of the Board;

(c) to determine and fix the salaries of the President, the Vice-Presidents and all other members of the teaching staff and all servants, agents and employees of the University;

(d) to appoint an executive committee of five members and to define its powers.

(2) No action of the Board shall require confirmation *Idem* by the members of the University.

(3) All the powers over, in respect of or in relation to *Idem* the University and University College, which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board.

(4) The Board has power to make by-laws, resolutions or regulations, Power of Board to make by-laws, etc.

(a) pertaining to the meetings of the Board and its transactions, and fixing the quorum of the Board;

(b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matters or class or classes of matters, but,

(i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and

(ii) no decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;

(c) providing for the retirement and superannuation of the persons mentioned in clauses *a* and *b* of subsection 1;

(d)

(d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clauses *a* and *b* of subsection 1, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise, whether affected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with Her Majesty in right of Ontario, or Her Majesty in right of Canada, or otherwise; and

(e) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College.

Idem

(5) Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by by-law, resolution or regulation, as the Board may determine, but it is not essential to the validity of any such by-law, resolution or regulation that it be under the corporate seal of the University if it is authenticated in the manner prescribed by the Board.

Composition
of Senate

19. There shall be a Senate of the University composed of,

(a) the President, *ex officio* who shall be its chairman;

(b) the Academic Vice-President, *ex officio*, when there is such an official;

(c) the principal or head of each federated university and college;

(d) the dean of each faculty and school of the University;

(e) the Librarian;

(f) the Registrar of the University, who shall be the secretary of the Senate;

(g) the Director of the Extension Department of the University;

(h)

- (h) one full-time professor elected annually by each federated university and college;
 - (i) two full-time professors elected annually by each faculty, school and college of the University.
- 20. No person is eligible for appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated and affiliated colleges. Ineligibility of members of another university
- 21. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and establishment of facilities are concerned, may create faculties, schools, institutes, departments, chairs or courses of instruction within the University, may create faculty councils to act as committees which may recommend to the Senate regulations respecting the admission of the students, courses of study and requirements for graduation, may pass by-laws, resolutions and regulations in respect of matters in this section referred to, and may from time to time amend or replace any of its by-laws, resolutions and regulations, and, without limiting the generality of the foregoing, the Senate has power, Powers of Senate
 - (a) to conduct examinations and appoint examiners;
 - (b) to deal with matters that arise in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (c) to confer degrees of Bachelor, Master and Doctor in the several arts, sciences and faculties and all other degrees that may appropriately be conferred by a university, except degrees in Theology;
 - (d) to confer honorary degrees with the concurrence of the Board.
- 22. In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall, Idem
 - (a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;
 - (b)

- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this Act;
- (c) recommend to the Board the federation or affiliation of any university or college, the dissolution or suspension of any such federation or affiliation or the modification or alteration of the terms thereof;
- (d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;
- (e) provide, if deemed necessary by the Senate, for an executive committee, which shall act in the name and on behalf of the Senate, whose constitution and powers shall be as the Senate may from time to time determine;
- (f) consider all such matters as are reported to it by any faculty council and communicate its opinion or action thereon to the faculty council;
- (g) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;
- (h) make such changes in the composition of the Senate as may be deemed expedient; provided that no change shall be made that affects the rights of representation thereon of a federated university or college, unless the change is assented to by the federated university or college affected by the change and is approved by the Board.

Court of
Discipline

23. There shall be a committee, to be called the Court of Discipline, which shall be composed of the President, who shall be the chairman, the Registrar of the University, the principal or head of University College and of each federated university or college, the Dean of Men and the Dean of Women, if and when appointed, and the dean of each faculty or school of the University, and the presence of at least four members constitutes a quorum at a meeting of the Court of Discipline.

- 24.—(1) The governing body of each federated university or college has disciplinary jurisdiction over and the entire responsibility for the conduct of its students in respect of all matters arising or occurring in or upon its university or college buildings and grounds, including residences. ^{Disciplinary jurisdiction of governing bodies}
- (2) In all other cases, as respects all students of the University and of each federated university or college, disciplinary action is vested in the Court of Discipline, but the Court of Discipline may delegate its authority in any particular case or by general regulations to the governing body of the faculty, school or college to which the student belongs. ^{Disciplinary jurisdiction of Court of Discipline}
- 25.—(1) The power of the Court of Discipline includes ^{Punishment} power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.
- (2) In cases involving conduct that the Court of Discipline or the governing body of a federated university or college considers may warrant the punishment of expulsion, the Court of Discipline has power to award, either in addition to or in substitution for any other punishment that may be awarded, the punishment of expulsion, subject to confirmation by the Board, whose decision is final and not open to review. ^{Expulsion}
26. With respect to the conduct and discipline as students of the University of all students enrolled in any federated university or college or in University College, the provisions of sections 24 and 25 may be abrogated or changed by the Board. ^{Power to change provisions re discipline}
27. If any university or college is federated or affiliated with the University and has the right to grant degrees, such right, except for degrees in Theology, shall remain dormant during the time that such university or college remains federated or affiliated with the University. ^{Suspension of degree-granting rights of federated colleges}
- 28.—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board. ^{President}
- (2) The President is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and ^{Idem}

general administration of the University and the teaching staff thereof, and the students thereof, and the officers and servants thereof, and has such other powers and duties as may from time to time be conferred upon him by the Board.

Vice-
Presidents

- (3) The Board may appoint one or more Vice-Presidents, who have such powers and duties as may be conferred upon or assigned to them by the Board.

Accounts

29. The accounts of the University shall be audited at least once a year by an auditor or auditors appointed by the Board.

Reports

30. The Board shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time.

1960, c. 151,
ss. 29, 30,
re-numbered

- 5.** Sections 29 and 30 of *The Laurentian University of Sudbury Act, 1960* are renumbered as sections 31 and 32.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Laurentian University of Sudbury Act, 1961-62*.

CHAPTER 155

An Act respecting the City of London

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the City of London, ^{Preamble}
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Corporation is authorized and empowered to refund <sup>Cancellation
of taxes
authorized</sup>
or cancel and strike off the collector's roll of taxes for the year
1960 the sum of \$3,472.58, and all penalties and interest
thereon, for land and business tax levied in respect of premises
of London Little Theatre Limited, known as the Grand
Theatre, which were occupied for theatre purposes during such
year.

2.—(1) The agreement made between the Corporation and <sup>Agreement
validated</sup>
London Free Press Printing Company Limited, dated the
20th day of October, 1961, set forth as the Schedule hereto, is
declared to be legal, valid and binding upon the Corporation
and the ratepayers and inhabitants thereof, and the parties
thereto are authorized and empowered to carry out the terms
thereof.

(2) It is not necessary, in exercising the powers referred to <sup>Application
of</sup>
in the agreement, to observe or perform any of the conditions <sup>R.S.O. 1960,
c. 249</sup>
or provisions of *The Municipal Act* applicable to street closing.

3. By-law No. 69 of the Township of London, passed on <sup>By-law
validated</sup>
the 15th day of December, 1871, purporting to close a road
laid out through the southwest quarter of Lot 15, in the
Fifth Concession of the Township of London (now in the City
of London), and vesting one-half thereof in each of the ad-
joining landowners, is declared to be valid and binding and
to have vested the fee in the road in the adjoining land
owners as therein provided.

4.

Charges for
repair of
drains
R.S.O. 1960,
c. 252

4.—(1) Whenever it becomes necessary from time to time to maintain or repair a drain constructed under the provisions of *The Municipal Drainage Act*, the Corporation is authorized and empowered to assume and pay out of the general funds of the municipality any charge of \$5 or less that would otherwise be assessed against an individual property.

Charge
in excess
of \$5

(2) Whenever any such charge exceeds \$5, the Corporation is authorized and empowered to add the charge to the collector's roll in respect of such property, and it shall thereupon be collected in the same manner as municipal real property taxes, with similar powers of levy, distress and sale in the event of non-payment.

1960, c. 153,
s. 2, subs. 1,
cl. f,
re-enacted

5. Clause *f* of subsection 1 of section 2 of *The City of London Act, 1960* is repealed and the following substituted therefor:

(*f*) that past service pension shall be limited so that the combined past and future service pension purchased with standard joint contributions on a five-year guaranteed basis shall not exceed three-fifths of the average of the annual salary of the employee for the three years immediately preceding the normal retirement date.

Lands held
as security

6. Lands taken and held for the purpose of security for the performance of agreements for the development of land by the Corporation and lands taken for such purpose that are within those portions of the townships of London and Westminster that were annexed to the City of London by order of the Ontario Municipal Board, dated the 3rd day of October, 1960, are vested in the City of London.

Establish-
ment, etc., of
highways
validated

7.—(1) Highways within the City of London that have heretofore been established, widened or diverted by by-law of the Corporation are declared to have been legally established, widened or diverted.

Effect on
rights
acquired

(2) Nothing herein prejudices or affects the rights acquired by any person prior to the day upon which this Act comes into force or affects any action or motion in any court now commenced.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The Act may be cited as *The City of London Act, 1961-62*.

SCHEDULE

THIS AGREEMENT made (in duplicate) this 20th day of October, in the year of Our Lord one thousand nine hundred and sixty-one

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE FIRST PART,

— and —

LONDON FREE PRESS PRINTING COMPANY LIMITED
(hereinafter called the Company),

OF THE SECOND PART.

WHEREAS by Statutes of Ontario, 53 Victoria, chapter 89, the City was empowered to make, and made, a conveyance to E. Leonard & Sons of the southerly thirty-three feet of York Street, lying between Waterloo and Colborne Streets, in the City of London, subject to the proviso that the same should revert to the City if the same should cease to be used for manufacturing purposes, and subject thereto the lands should be vested in the said firm in fee simple;

AND WHEREAS in pursuance of the said powers and a by-law passed by the City on the 15th day of December, 1890, as No. 555 and the agreement of E. Leonard & Sons that suitable brick buildings for manufacturing purposes should be erected by the said firm, which buildings were so erected, the City conveyed to the said firm, by deed dated the 9th day of March, 1891, the said southerly thirty-three feet of York Street, lying between Colborne and Waterloo Streets;

AND WHEREAS the Company has acquired an option to purchase lands in the City of London, lying north of the Canadian National Railway right of way, west of Colborne Street, east of Waterloo Street and south of York Street, including the southerly thirty-three feet of York Street so conveyed by the City to E. Leonard & Sons by the said deed dated the 9th day of March, 1891, for the purpose of erecting thereon substantial buildings for the production and manufacture of its newspaper;

AND WHEREAS the said lands have been so used for manufacturing purposes and the Company desires that, before exercising the said option to purchase and undertaking the expenditure of large sums of money for the construction of a new building for the purpose of production and manufacture of its newspaper and for the equipment of such building, any limitations on title to the said portion of York Street should be removed;

AND WHEREAS the parties hereto have agreed in the manner hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of One dollar now paid by each of the parties hereto to the other (the receipt whereof is hereby by each of them acknowledged) the parties hereto mutually COVENANT AND AGREE each with the other as follows:

1. The City will grant, release and quitclaim unto the Company all covenants, conditions, provisos and agreements, including the right of reversion referred to in the said Statute, by-law, agreement and deed, to the effect that the lands referred to therein shall vest in fee simple in possession in the Company, free from any rights of the City or the rate-payers and inhabitants thereof, including rights of forfeiture or reversion.

2. The Company will convey to the City for highway purposes the northerly ten feet of the said southerly thirty-three feet of York Street, without consideration, notwithstanding that the cost to the Company of the said portion so to be conveyed is approximately \$22,000. The City will, when the said ten feet are so conveyed, pass a by-law constituting the same a public highway as an addition to York Street (the southerly limit of the said ten feet after such addition is hereinafter referred to as the "new southerly limit").

3. The City will use its best endeavours to obtain from Canadian National Railway a consent to the closing of the stub end of Waterloo Street lying between the Canadian National Railway right of way and the extension westerly of the new southerly limit of York Street. The City will, upon obtaining such consent, pass a by-law carrying out the said closing, and will convey for a nominal consideration the easterly one-half of the said portion so closed to the Company, and the remainder to the Canadian National Railway.

4. The City will, at the request of the Company, and when traffic conditions make the said desirable, establish traffic lights at the intersection of Waterloo and York Streets to regulate traffic, which traffic lights shall regulate traffic to and from that portion of Waterloo Street proposed to be stopped up and closed as effectively after closing as before.

5. The City will at its own expense,

- (a) subject to the provisions of paragraph 6 of this agreement, within the twelve months following the Company's occupation of its proposed building, construct a curb and gutter at the northerly limit of the said ten feet to be conveyed to the City and a five-foot sidewalk along the new southerly limit of York Street between Colborne Street and Waterloo Street;
- (b) within the said twelve-month period, widen the travelled portion of the said street to give and maintain three lanes of east bound vehicular traffic immediately adjoining the said curb and gutter;
- (c) within fifteen years following the Company's occupation of its proposed building, enter into and carry to completion a street widening programme so that there will be the said three lanes of eastbound traffic, a median of minimum width of eleven feet, the southerly limit of which will be forty-six feet north of the new southerly limit of York Street, and which will provide left turn lanes for east and west bound vehicular traffic, and also provide for passages across such median with appropriate holding lanes to serve traffic to and from the Company's premises.

6. The City will, at the Company's request, extend the said sidewalk northerly by an amount not exceeding five additional feet; the manner in which the cost thereof shall be borne shall be first agreed upon by the City and the Company.

7. The City agrees to apply forthwith for special legislation to declare this agreement legal, valid and binding upon the parties hereto and the ratepayers and inhabitants of the City, empowering the parties to carry out the same and to provide that the provisions of *The Municipal Act* shall not apply to the said street closing.

8. If the Company shall fail to exercise its option to purchase the lands in question and to obtain a conveyance thereof, this agreement shall be of no further force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF
LONDON:

J. G. STRONACH,
Mayor.

(Seal)

W. S. ROSS,
Deputy Clerk.

LONDON FREE PRESS PRINTING
COMPANY LIMITED:

A. R. FORD,
Vice-President.

(Seal)

H. R. DAVIDSON,
Secretary.

CHAPTER 156

An Act respecting the Village of Markham

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Village of Markham, ^{Preamble}
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation is hereby authorized to <sup>Debenture
by-law
authorized</sup>
pass By-law No. 1028 of the Corporation, set forth as
Schedule A hereto, without obtaining the approval of the
Ontario Municipal Board, to borrow the sum of \$65,000 upon
debentures made payable in not more than twenty years for
the purpose of constructing a community building and arena,
and the by-law when duly passed shall be legal, valid and
binding upon the Corporation and the ratepayers thereof.

2.—(1) Subject to subsection 2, the agreement bearing <sup>Agreement
confirmed</sup>
date the 1st day of May, 1961, between Markham and East
York Agricultural Society and The Corporation of the Village
of Markham, set forth as Schedule B hereto, is hereby ratified
and confirmed and the parties thereto are authorized and em-
powered to carry out the terms thereof.

(2) Section 10 of the agreement is hereby struck out. <sup>Agreement
amended</sup>

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

4. This Act may be cited as *The Village of Markham Act*, ^{Short title}
1961-62.

SCHEDULE A

THE CORPORATION OF THE VILLAGE OF MARKHAM

BY-LAW No. 1028

A By-law to provide for the borrowing of \$65,000.00 upon debentures of The Corporation of the Village of Markham for the purpose of erecting a Community Building and Arena.

WHEREAS The Corporation of the Village of Markham deems it necessary and expedient to borrow the sum of Sixty-five thousand dollars (\$65,000.00) upon debentures for the purpose of erecting a Community Building and Arena within the limits of the Village of Markham, upon the credit of The Corporation to issue debentures therefor;

AND WHEREAS it is desirable to make the principal of the said debt repayable by annual instalments during the period of twenty years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debts, the aggregate amount payable for the principal and interest in each year shall be, as nearly as possible, the same; subject to the statutory provision that each instalment of principal may be for an even One hundred dollars (\$100.00), Five hundred dollars (\$500.00), or One thousand dollars (\$1,000.00), or multiple thereof, and, that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amounts sufficiently to admit thereof.

NOW THEREFORE The Council of The Corporation of the Village of Markham enacts as follows:

1. That for the purposes aforesaid it shall be lawful for this Corporation to borrow upon the credit of The Corporation a sum not exceeding Sixty-five thousand dollars (\$65,000.00) and to issue debentures of the said Municipality to the amount of Sixty-five thousand dollars (\$65,000.00) in sums of not less than One hundred dollars (\$100.00) each payable in the manner and at the times hereinafter set forth.

2. That the said debentures shall bear interest at the rate of six per centum (6%) per annum payable yearly and shall have coupons attached thereto for the payment of such interest.

3. That all the said debentures shall bear the same date, shall be issued at one time during the year 1961 after the date on which this By-law is passed, may bear any date within such period, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed, which Schedule is declared to be and form part of this By-law.

4. That the debentures shall be payable as to both principal and interest in lawful money of Canada, and may be payable at such place or places in Canada as shall be designated thereon.

5. That the said debentures shall be sealed with the Seal of The Corporation and signed by the Head of the Council or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

6. That commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest becomes due, The Corporation shall levy and raise the specific sum shown for the

respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all other rates upon all the rateable property in the Municipality.

7. That the said debentures may contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

8. That pending the sale of the debentures the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum authorized to be borrowed and may hypothecate such debentures for such loan.

9. That this By-law shall take effect on the day of the final passing thereof subject to the approval of the Department of Municipal Affairs.

READ a First and Second time this 18th day of May, 1961 and amended in committee on the 6th day of November, 1961.

J. V. FRY,
Reeve.

A. P. GRAHAM,
Clerk.

READ a Third time and finally passed this day of ,
1961.

Reeve.

Clerk.

Schedule "A"

SCHEDULE OF PAYMENTS

\$65,000.00 for 20 years at 6% per annum

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1	\$ 2,000.00	\$ 3,900.00	\$ 5,900.00
2	2,000.00	3,780.00	5,780.00
3	2,000.00	3,660.00	5,660.00
4	2,000.00	3,540.00	5,540.00
5	2,000.00	3,420.00	5,420.00
6	2,500.00	3,300.00	5,800.00
7	2,500.00	3,150.00	5,650.00
8	2,500.00	3,000.00	5,500.00
9	3,000.00	2,850.00	5,850.00
10	3,000.00	2,670.00	5,670.00
11	3,000.00	2,490.00	5,490.00
12	3,500.00	2,310.00	5,810.00
13	3,500.00	2,100.00	5,600.00
14	4,000.00	1,890.00	5,890.00
15	4,000.00	1,650.00	5,650.00
16	4,000.00	1,410.00	5,410.00
17	4,500.00	1,170.00	5,670.00
18	5,000.00	900.00	5,900.00
19	5,000.00	600.00	5,600.00
20	5,000.00	300.00	5,300.00
	<u>\$65,000.00</u>	<u>\$48,090.00</u>	<u>\$113,090.00</u>

SCHEDULE B

THIS AGREEMENT made in duplicate the First day of May, 1961

BETWEEN:

MARKHAM AND EAST YORK AGRICULTURAL SOCIETY,
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF MARKHAM,
hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Party of the First Part is the Owner of the lands more fully described in Schedule "A" attached hereto and forming part of this Agreement.

NOW THEREFORE In Consideration of the Covenants and Provisoes hereinafter set forth, the Parties hereto hereby mutually covenant and agree as follows:

1. The Party of the First Part hereby covenants and agrees to allow the Party of the Second Part to have the exclusive use and occupation of the lands more particularly described in Schedule "A" attached hereto, subject to the reservations hereinafter contained, for a period of seventy-five years from and including the first day of May, 1961 to and including the 30th day of April, 2036.

2. The Parties of the First and Second Parts covenant and agree to erect on the said lands a building according to the plans and specifications and more particularly referred to as Schedule "B" to this agreement. The Party of the Second Part shall be entitled to operate and use the building for the purpose of an ice skating arena together with such other purposes as the Party of the Second Part may from time to time determine, including public and private functions and gatherings, provided that such operation shall not be contrary to law.

3. The Party of the Second Part covenants and agrees to totally maintain the said property including all repairs necessary to maintain the said building in a good and workmanlike condition during the term of this agreement and shall not under any circumstances request or require the Party of the First Part to supply any part of its maintenance grants awarded to the Party of the First Part for repairs. All repairs and maintenance to the building shall be completed by the Party of the Second Part or its agents in as expedient a manner as possible so as not to interfere with the occupation and operation of the said building by the Party of the First Part at the times in each year hereinafter specified.

4. The Party of the Second Part covenants and agrees to pay all or any Municipal taxes levied against the said building and lands described in Schedule "A" attached hereto, including local improvement taxes, but not including any taxes or local improvement taxes assessed against the balance of the lands owned by the Party of the First Part.

5. The Party of the Second Part covenants and agrees to insure the respective interests of the Parties of the First and Second Parts in the said building at its own expense while the building is under construction and after the building has been fully completed to the full insurable value of the building when completed, which insurance without limiting the generality of the foregoing shall include loss or damage by fire, wind and water and loss under such insurance policies shall be payable to the

Parties

Parties of the First and Second Parts respectively to the extent of their respective interests. The Party of the Second Part further covenants and agrees to insure the premises and all people using the premises with liability insurance to limits satisfactory to the Party of the First Part, and which policy shall insure both the liability of the Parties of the First and Second Parts, the cost of which insurance shall be the sole responsibility of the Party of the Second Part.

6. The Party of the Second Part covenants and agrees to pay to the Party of the First Part a rental amounting to One thousand dollars per year for the period of the first ten years of this agreement which rental shall be payable Two hundred and fifty dollars quarterly commencing on the First day of November, 1961 and thereafter on the First days of February, May, August and November in each year until the First day of August, 1966. The rental for each successive ten-year period shall be subject to a review and agreement between the Parties. In the event the Parties hereto are unable to agree as to the amount of the rental for any succeeding ten year term under this agreement, either Party hereto shall have the right to submit the matter to arbitration. Thereupon each Party shall appoint an arbitrator and these shall jointly select a third, and the decision of any two arbitrators shall be final and binding upon the Parties, subject to the proviso that no award of the arbitrators or a majority of them shall grant an increase or decrease in rental of more than ten per cent per year over the annual rental in the immediately preceding ten year period. The procedure on such arbitration shall conform to the laws of the Province of Ontario. In the case of failure of the two arbitrators appointed by the Parties hereto to agree upon a third arbitrator, such third arbitrator shall be appointed by a Judge of the County Court of the County of York. The costs of any such arbitration shall be borne equally between the Parties.

7. The Party of the Second Part covenants and agrees to erect a temporary fence around the parking area included in the lands covered by this agreement and more fully described in Schedule "A" attached hereto, which temporary fence will be removed by the Party of the Second Part prior to the date in each year when possession of the said lands and building is to be granted to the Party of the First Part, and replaced by the Party of the Second Part immediately after the date upon which possession of the said lands and building has been returned to the Party of the Second Part according to the provisions of this agreement as herein-after set forth. The said parking area shall be maintained by the Party of the Second Part in a proper manner at all times.

8. The Party of the First Part covenants and agrees to pay to the credit of a joint account in the names of the Parties of the First and Second Parts, the sum of Twenty thousand dollars (\$20,000.00) toward the cost of the construction of the said building. In addition the Party of the First Part covenants and agrees to apply all capital grants and subsidies received by the Party of the First Part from the Government of the Province of Ontario and the Government of the Dominion of Canada towards the construction of this building, all of which contributions, grants and subsidies will be paid by the Party of the First Part to the joint account aforesaid in due course as received by the Party of the First Part. The Party of the First Part shall not be required to pay any further sum of money other than as aforesaid and in the event that the Party of the First Part is required to pay any further sums for any reason whatsoever it shall be forthwith indemnified by the Party of the Second Part. The Party of the First Part further covenants and agrees to do everything in its power to obtain grants as large as possible from the Governments hereinbefore referred to towards the cost of construction of the said building so as to assist the Party of the Second Part in every way in financing the cost of construction of the said building. Nothing in this agreement shall be construed so as to give either the Party of the First Part and Second Part the power or right to enter into any conditional sales contract or chattel mortgage of any nature whatsoever which will have the effect of encumbering any of the lands set out in Schedule "A" hereto or any part of the building or chattels in the building situate upon the lands aforesaid and the parties hereto agree not to encumber the lands, building or chattels in any manner whatsoever.

9. Any contract for the construction of the said building to be erected on the said lands shall be subject to the approval of the Party of the First Part. Any such contractor shall be fully bonded and shall file with the Parties of the First and Second Parts a completion bond from a bonding company satisfactory to the Parties of the First and Second Parts which bond shall be in favour of both the Parties of the First and Second Parts. The firm of architects to be employed in the preparation of plans and the supervision of construction shall be subject to the approval of the Party of the First Part and the Party of the Second Part.

10. This Agreement shall be expressly conditional upon the approval of the Department of Municipal Affairs, the Ontario Municipal Board and any other Governmental Departments concerned, which approval shall include all financing required by the Party of the Second Part in order to complete the construction of the said building and equipment. In the event the Party of the Second Part is unable to obtain any necessary approvals for this project or for the financing of same, this agreement shall be null and void.

11. The Parties of the First and Second Parts covenant and agree to do all within their power to have the said building completed by the first day of September, 1961 so that the building will be available to the Party of the First Part for its Agricultural Fair in the Fall of 1961. Such completion shall include the completion of a cement floor in the said building and shall also include all outside grading, but the Party of the Second Part shall not be required to have the artificial ice equipment installed by that date.

12. The Party of the First Part shall in each year during the currency of this Agreement be entitled to exclusive possession of the said land and building hereinbefore referred to and which said land is more particularly described in Schedule "A" attached hereto for a ten-day period between the 15th day of September and the 15th day of October in each year for the purpose of using and occupying the said land and building for the Agricultural Fair operated by the Party of the First Part. The said ten day period shall be determined by the Board of Directors of the Party of the First Part prior to the First day of March in each year and notice of the period selected shall be forwarded by the Party of the First Part to the Party of the Second Part prior to the First day of March in each year. In addition the Party of the First Part shall have a right of access to the said land and building for purposes of inspection during the period from September 1st to October 15th in each year.

13. The Party of the First Part shall be entitled to access at all times to a room in the said building to be identified as the Fair Board Room subject to the right of the Party of the Second Part to the use and occupation of the said room as and when the same is not required by the Party of the First Part.

14. The Party of the Second Part covenants and agrees to obtain a survey of the said lands and premises which are the subject of this agreement at its own expense and further agrees to supply a copy of the said survey to the Party of the First Part.

15. The Parties hereby mutually covenant and agree that in the event the said building is totally destroyed and the amount of the proceeds from the insurance policies on the said building are insufficient to meet the cost of the replacement of the said building, the difference between the amount of the proceeds of the insurance and the total replacement cost of the building shall be borne and paid by the Parties hereto in direct proportion to the amount of the respective contributions towards the original cost of the said building. In determining the proportion of the contributions of the Party of the First Part to the original cost of the building, the amount of grants and subsidies shall be included as well as the amount of the direct contribution of the Party of the First Part. In calculating the amount of the contribution of the Party of the Second Part towards the cost of the original construction of the said building the

amount of all donations received towards the said project by citizens of the Municipality and surrounding area shall be included with the amount of direct contribution of the Party of the Second Part in determining the total contribution of the Party of the Second Part.

16. The Parties hereto mutually covenant and agree that in the event of any breach of covenant by either or both of the Parties to this agreement, such breach of covenant shall not entitle either party to terminate this agreement in any way and the only remedy available to either party to this agreement with respect to a breach of covenant by the other party shall be a remedy in damage.

17. Nothing in this Agreement shall prevent the Party of the Second Part from operating the said land and building as a public arena and community centre and the Party of the Second Part shall be entitled at all times to rent or lease the said land and building or any part thereof without the consent of the Party of the First Part during the time or times in each year when the Party of the Second Part is entitled to possession of the said building.

This Agreement shall enure to and be binding upon the Parties hereto, their successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals duly attested by their proper signing officers in that behalf.

MARKHAM AND EAST YORK AGRICULTURAL SOCIETY:

H. M. WARRINER,
President.

FRED SPRING,
Secretary.

THE CORPORATION OF THE VILLAGE OF MARKHAM:

J. V. FRY,
Reeve.

A. P. GRAHAM,
Clerk.

Schedule "A"

To Agreement dated May 1st, 1961 between Markham and East York Agricultural Society and The Corporation of the Village of Markham.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Village of Markham, in the County of York, and being composed of part of Lot 10 in the Eighth Concession of the said Village of Markham, more particularly described as follows:

Commencing at a point in the southerly limit of Provincial Highway No. 7 as widened distant 140 feet measured easterly therealong from the westerly limit of said Lot 10; Thence easterly along the southerly limit of Provincial Highway No. 7 as widened a distance of 395 feet; Thence southerly parallel with the westerly limit of said Lot 10, a distance of 300 feet to a point; Thence westerly parallel to the northerly limit of said Lot a distance of 395 feet to a point; Thence northerly parallel to the westerly limit of said lot a distance of 300 feet more or less to the point of commencement.

Schedule "B"

[Plans and Specifications filed in the Office of the Clerk of the Legislative Assembly.]

CHAPTER 157

**An Act respecting
Metropolitan United Church of Toronto**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS the Official Board of the Metropolitan Preamble
United Church by its petition has represented that Lillian Frances Massey Treble, late of the City of Toronto in the Province of Ontario, widow, died on or about the 3rd day of November, 1915, leaving a will, dated the 6th day of September, 1915, and a codicil thereto, dated the 9th day of October, 1915; that probate of such will and codicil thereto was duly granted on the 13th day of January, 1916, by The Surrogate Court of the County of York to Chester Daniel Massey, manufacturer, Margaret Phelps Massey, married woman, and The National Trust Company Limited, named in the will; that by clause 27 of such will the testatrix directed that the sum of \$50,000 be held by The National Trust Company Limited, as trustee, and invested as therein set forth, the net income therefrom to be paid "as a salary to some organist of high standing, talent and excellence who shall be a Fellow of the Royal College of Organists of London in the Kingdom of England and shall be also a graduate in music of the University of Oxford or of the University of Cambridge or of London University or if no such graduate can be obtained then of the University of Dublin or of the University of Durham for performing the ordinary duties of organist of said Metropolitan Methodist Church and of choir-master thereof or in case there shall be another choir-master than said organist, then for selecting all music to be rendered by the choir of said church and for twenty free public organ recitals a year at such times as shall be appointed by said church"; that at the time of death of the testatrix it was generally recognized among the music profession in Canada that there were no schools of music in Canada of the standing of the British universities above referred to and that a Fellowship in the Royal College of Organists was the outstanding recognition of talent as an organist; and whereas the petitioner has prayed for special legislation to widen the terms of such trust to permit the choice of a graduate in music of a Canadian institution entitled to grant degrees in music

and

and who holds a Fellowship in the Royal Canadian College of Organists; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment
of organist

1. The Metropolitan United Church of Toronto, acting by resolution of its Official Board, is hereby authorized and empowered to appoint as its organist and choirmaster any person who is a graduate in music of the University of Oxford, the University of Cambridge, London University, the University of Dublin, the University of Durham, or of any university or school of music in Canada entitled to grant degrees in music, and who is also a Fellow of the Royal College of Organists or a Fellow of the Royal Canadian College of Organists.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Metropolitan United Church of Toronto Act, 1961-62*.

CHAPTER 158

An Act respecting the Township of Nepean

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Township of Nepean ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 16-61, passed by The Corporation of the Township of Nepean on the 11th day of April, 1961, set forth as Schedule A hereto, authorizing the issue of debentures of the Corporation in the principal amount not exceeding the sum of \$118,000 to defray the cost of constructing a six-room addition to a school building in Township School Area No. 2, Nepean, in the Township of Nepean, known as Fisher Heights Public School, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

2. By-law No. 51-61, passed by The Corporation of the Township of Nepean on the 10th day of August, 1961, set forth as Schedule B hereto, authorizing the issue of debentures of the Corporation in the principal amount not exceeding the sum of \$76,500 to defray the cost of constructing a four-room addition to a school building in Township School Area No. 2, Nepean, in the Township of Nepean, known as City View Public School, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of By-law No. 16-61 and By-law No. 51-61 and the debentures to be issued thereunder. ^{Application of R.S.O. 1960, c. 274}

By-law
deemed
approved
by O.M.B.
R.S.O. 1960,
cc. 330, 274

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order, pursuant to section 63 of *The Public Schools Act* and section 64 of *The Ontario Municipal Board Act*, authorizing the public school board of Township School Area No. 2, Nepean, in the Township of Nepean, to proceed with the construction of the works and the purchases referred to in sections 1 and 2 and authorizing The Corporation of the Township of Nepean to pass By-law No. 16-61 and By-law No. 51-61, referred to in sections 1 and 2 respectively.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Township of Nepean Act, 1961-62*.

SCHEDULE A

THE CORPORATION OF THE TOWNSHIP OF NEPEAN

BY-LAW No. 16-61

BEING A BY-LAW to authorize the borrowing of an amount not exceeding the sum of \$118,000.00, upon debentures for the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton and Province of Ontario.

WHEREAS the Trustees of Township School Area No. 2 Nepean, Public School, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, at a Special Meeting duly called for the purpose and held on Friday the 4th day of November, 1960, approved and sanctioned the construction of a six-room addition to school building in said Township School Area No. 2 Nepean, Public School, of the Township of Nepean, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, and further approved and sanctioned the issue of debentures to an amount not exceeding the sum of \$118,000.00 payable out of the taxable property of the Public School supporters of said Township School Area No. 2 Nepean, for the purpose of defraying the cost of such construction and purchase of such furniture, furnishings, school apparatus and other equipment therefor;

AND WHEREAS the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, has applied to the Council of The Corporation of the Township of Nepean to pass a By-law for borrowing the necessary money for the said purposes by the issue and sale of debentures in an amount not exceeding the sum of \$118,000.00;

AND WHEREAS it is deemed expedient to grant the application of the said Public School Board of Township School Area No. 2 Nepean, and to borrow for the said purposes an amount not exceeding the said sum of \$118,000.00 and to issue debentures therefor bearing interest at the rate of six (6%) per centum per annum payable annually, and to provide for the discount and the expenses incidental to negotiation of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of 20 years next following the date of the issue of such debentures in such amounts respectively that with the interest in respect of the debt, the aggregate amount payable for the principal and interest in each year shall be as nearly equal as possible and to provide that the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

THEREFORE the Council of The Corporation of The Township of Nepean enacts as follows:

(a) The Corporation of The Township of Nepean shall borrow for the purposes aforesaid, upon the credit of the Corporation a sum not exceeding one hundred and eighteen thousand dollars (\$118,000.00), and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of six (6%) per centum per annum payable annually, and shall have coupons attached thereto for the payment of such interest.

(b) All the debentures shall bear date the 1st day of April, 1961, shall be issued at one time, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in such years shall be the amounts so designated in Schedule "A" hereto annexed.

(c)

(c) The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such places in Canada as designated thereon.

(d) The said debentures shall be sealed with the Seal of the Corporation and signed by the head of the Council, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

(e) Commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the taxable property of Public School supporters in said Township School Area No. 2 Nepean, of The Township of Nepean.

(f) The said debentures shall contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

By-law introduced and read a first time this 9th day of March, 1961.

By-law read a second time this 9th day of March, 1961.

By-law read a third time and passed under the Corporate Seal of The Corporation of The Township of Nepean this 11th day of April, 1961.

D. A. MOODIE,
Reeve.

ANDREW G. McLEAN,
Clerk.

Schedule "A" to By-law 16-61 of the Township of Nepean

\$118,000.00

6% Debentures			1-20 years
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1962	\$ 3,000	\$ 7,080	\$ 10,080
1963	3,000	6,900	9,900
1964	4,000	6,720	10,720
1965	4,000	6,480	10,480
1966	4,000	6,240	10,240
1967	4,000	6,000	10,000
1968	5,000	5,760	10,760
1969	5,000	5,460	10,460
1970	5,000	5,160	10,160
1971	5,000	4,860	9,860
1972	6,000	4,560	10,560
1973	6,000	4,200	10,200
1974	6,000	3,840	9,840
1975	7,000	3,480	10,480
1976	7,000	3,060	10,060
1977	8,000	2,640	10,640
1978	8,000	2,160	10,160
1979	9,000	1,680	10,680
1980	9,000	1,140	10,140
1981	10,000	600	10,600
	<u>\$118,000</u>	<u>\$88,020</u>	<u>\$206,020</u>

SCHEDULE B

THE CORPORATION OF THE TOWNSHIP OF NEPEAN

BY-LAW No. 51-61

BEING A BY-LAW to authorize the borrowing of an amount not exceeding the sum of \$76,500.00, upon debentures for the Public School Board of Township School Area No. 2 Nepean, of The Township of Nepean, in the County of Carleton and Province of Ontario.

WHEREAS the Trustees of Township School Area No. 2 Nepean, Public School, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, at a Special Meeting duly called for the purpose and held on Saturday the 14th day of February, 1959, approved and sanctioned the construction of a four-room addition to school building in said Township School Area No. 2 Nepean, Public School, of the Township of Nepean, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, and further approved and sanctioned the issue of debentures to an amount not exceeding the sum of \$76,500.00 payable out of the taxable property of the Public School supporters of said Township School Area No. 2 Nepean, for the purpose of defraying the cost of such construction and purchase of such furniture, furnishings, school apparatus and other equipment therefor;

AND WHEREAS the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, has applied to the Council of The Corporation of The Township of Nepean to pass a By-law for borrowing the necessary money for the said purposes by the issue and sale of debentures in an amount not exceeding the sum of \$76,500.00;

AND WHEREAS it is deemed expedient to grant the application of the said Public School Board of Township School Area No. 2 Nepean, and to borrow for the said purposes an amount not exceeding the said sum of \$76,500.00 and to issue debentures therefor bearing interest at the rate of five and three-quarters (5¾%) per centum per annum payable annually, and to provide for the discount and the expenses incidental to negotiation of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of 20 years next following the date of the issue of such debentures, in such amounts respectively that with the interest in respect of the debt, the aggregate amount payable for the principal and interest in each year shall be as nearly equal as possible and to provide that the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

THEREFORE the Council of The Corporation of The Township of Nepean enacts as follows:

(a) The Corporation of The Township of Nepean shall borrow for the purposes aforesaid, upon the credit of The Corporation a sum not exceeding seventy-six thousand five hundred dollars (\$76,500.00), and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of five and three-quarters (5¾%) per centum per annum payable annually, and shall have coupons attached thereto for the payment of such interest.

(b) All the debentures shall bear date the 1st day of April, 1961, shall be issued at one time, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in such years shall be the amounts so designated in Schedule "A" hereto annexed.

(c)

(c) The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such places in Canada as designated thereon.

(d) The said debentures shall be sealed with the Seal of the Corporation and signed by the head of the Council, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

(e) Commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the taxable property of Public School supporters in said Township School Area No. 2 Nepean, of The Township of Nepean.

(f) The said debentures shall contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

By-law introduced and read a first time this 10th day of August, 1961.

By-law read a second time this 10th day of August, 1961.

By-law read a third time and passed under the Corporate Seal of the Corporation of The Township of Nepean this 10th day of August, 1961.

D. A. MOODIE,
Reeve.

D. E. HOBBS,
Acting Clerk.

Schedule "A" to By-law 51-61 of the Township of Nepean

\$76,500.00

5¾% Debentures			1-20 years
Year	Principal	Interest	Total
1962	\$ 2,000.00	\$ 4,398.75	\$ 6,398.75
1963	2,000.00	4,283.75	6,283.75
1964	2,500.00	4,168.75	6,668.75
1965	2,500.00	4,025.00	6,525.00
1966	2,500.00	3,881.25	6,381.25
1967	3,000.00	3,737.50	6,737.50
1968	3,000.00	3,565.00	6,565.00
1969	3,000.00	3,392.50	6,392.50
1970	3,500.00	3,220.00	6,720.00
1971	3,500.00	3,018.75	6,518.75
1972	3,500.00	2,817.50	6,317.50
1973	4,000.00	2,616.25	6,616.25
1974	4,000.00	2,386.25	6,386.25
1975	4,500.00	2,156.25	6,656.25
1976	4,500.00	1,897.50	6,397.50
1977	5,000.00	1,638.75	6,638.75
1978	5,500.00	1,351.25	6,851.25
1979	5,500.00	1,035.00	6,535.00
1980	6,000.00	718.75	6,718.75
1981	6,500.00	373.75	6,873.75
	<u>\$76,500.00</u>	<u>\$54,682.50</u>	<u>\$131,182.50</u>

CHAPTER 159

An Act respecting the Township of Nepean

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Township of Nepean ^{Preamble} by its petition has prayed for special legislation to amend *The Township of Nepean Act, 1929* to permit the Corporation to acquire sewage systems and sewage disposal works and water works systems as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Township of Nepean Act, 1929* is ^{1929, c. 108, s. 2,} amended by inserting after "to" in the fourth line and in the seventh line "acquire" in each instance, so that the section shall read as follows:

2. The council of the township of Nepean may from ^{Establish-} time to time pass by-laws to set apart and establish ^{ment of} as a sewer area or as a water area any portion of the ^{sewer and} township described in such by-law, and to acquire, construct, enlarge, extend, improve and operate sewerage systems and sewage disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to acquire, construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

2. Section 3 of *The Township of Nepean Act, 1929* is ^{1929, c. 108, s. 3,} amended by inserting after "the" where it occurs the second ^{amended} time in the first line "acquisition", so that the section shall read as follows:

3. The entire cost of the acquisition, construction, en- ^{How cost} largement, extension, improvement, operation, main- ^{to be} tenance, management and repair of any such ^{assessed}

R.S.O. 1960,
c. 223,

sewerage systems or sewage disposal works or of any such waterworks systems, save and except such works as are undertaken pursuant to the provisions of *The Local Improvement Act* as hereinafter provided, shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

1929, c. 108,
s. 10,
subs. 1,
re-enacted

3. Subsection 1 of section 10 of *The Township of Nepean Act, 1929* is repealed and the following substituted therefor:

Agreements
with other
municipi-
palities as
to sewage
disposal
works

- (1) The council of the township of Nepean may enter into agreements with any other municipality or municipalities and any other municipality or municipalities may enter into agreements with the township of Nepean for the acquisition, construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant, appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the acquisition, construction, enlargement, improvement and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Nepean as fixed by such agreements shall be levied upon all the rateable property in such sewer area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of acquiring, constructing, extending, operating and maintaining the said works, or, if more than one area, then to such areas in proportion to their respective shares of the cost of such acquisition, construction, enlargement, improvement, extension, operation and maintenance.

1929, c. 108,
s. 11,
amended

4. Section 11 of *The Township of Nepean Act, 1929* is amended by inserting after "systems" in the fifth line "acquired", so that the section shall read as follows:

11. The municipal corporation of the township of Nepean may enter into agreements and contracts with any other municipal corporation or corporations for a supply of water to serve the sewers and sewerage systems and waterworks systems acquired, constructed, maintained and operated under the authority of this Act and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefitted thereby or, if in more than one area, then on all the rateable property in such areas in such proportions as the council may by by-law determine.

5. Section 14 of *The Township of Nepean Act, 1929* is repealed.

1929, c. 108,
s. 14,
repealed

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Township of Nepean Act, 1961-62* (No. 2).

Short title

CHAPTER 160

An Act respecting The High School Board of the Township of Nepean and The Collegiate Institute Board of the City of Ottawa

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The High School Board of the Township of Nepean and The Collegiate Institute Board of the City of Ottawa by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The High School Board of the Township of Nepean and The Collegiate Institute Board of the City of Ottawa, dated the 15th day of May, 1961, set forth as the Schedule hereto, is confirmed and declared to be legal, valid and binding upon both boards, and both boards are hereby empowered to carry out all their respective obligations that may arise thereunder.

Agreement
validated

2. The Agreement may be amended by mutual consent of both boards only with the approval of the Minister of Education.

Amendment
of
Agreement

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Nepean-Ottawa High Schools Act, 1961-62.*

Short title

SCHEDULE

THIS AGREEMENT made in duplicate the 15th day of May, A.D. 1961

BETWEEN:

NEPEAN TOWNSHIP HIGH SCHOOL DISTRICT BOARD,
hereinafter called the "Nepean Board",

—and—

COLLEGIATE INSTITUTE BOARD OF OTTAWA,
hereinafter called the "Ottawa Board".

WHEREAS the Ottawa Board did, on the twenty-third day of November, 1959, notify by letter the Nepean Board that, effective July 1, 1962, the Ottawa Board would not be in a position to accommodate all of the Nepean Township students.

AND WHEREAS the Nepean Board is planning to erect secondary schools situate in the Township of Nepean in the County of Carleton, the first of which, with its fixtures, equipment and site is hereinafter referred to as "Bell High School".

AND WHEREAS it has been agreed between the parties hereto that the Ottawa Board will operate Bell High School and others in the same manner in which it operates its own secondary schools in the City of Ottawa.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Bell High School and others are to be erected and the buildings constructed upon such lands by the Nepean Board and any furniture and equipment purchased by the Nepean Board in connection with such Bell High School and others shall be and remain vested in and be the property of the Nepean Board.

2. The Nepean Board agrees to erect Bell High School and others in accordance with plans and specifications to be approved by the Minister, a copy of which will be filed with the Ottawa Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity, and kind with those in Ottawa secondary schools, and to fence, landscape and prepare the school sites suitably. It is agreed that the Bell High School will be ready to open on the first day of September, 1962.

3. Upon completion of any high school as aforesaid, the Ottawa Board shall staff, operate and maintain it, and except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Ottawa Board in respect of its secondary schools in the City of Ottawa as if the Bell High School and others were under the jurisdiction of the Ottawa Board.

4. The Ottawa Board shall pay the current operation expenses of the Bell High School and others situate in the Township of Nepean, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage including fire loss and public liability in the same manner and to the same extent as the Ottawa Board maintains in the City of Ottawa. The Nepean Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

5. It is agreed that the Ottawa Board shall not pay any expenses in connection with the transportation of any pupils to the Bell High School or others or any taxes, assessments, local improvement rates, sewage charges or other rates or charges of any kind whatsoever which may be imposed directly or indirectly by the municipality in which the high school is situate.

6. The maintenance of any high school being the property of the Nepean Board, by the Ottawa Board, shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment as required through normal wear and tear provided that no structural changes shall be made by the Ottawa Board without the consent of the Nepean Board.

7. The Nepean Board shall maintain such high schools financially by paying to the Ottawa Board the cost of education of such pupils under the Nepean Board's jurisdiction as attend such schools. Such cost is to be paid in estimated monthly instalments during each current year and shall be calculated pursuant to subsection (2) of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 (as if this were an agreement under subsection (2) of Section 30 of this Act) except that in computing the total gross expenditures for the calendar year, capital expenditures for Ottawa Schools, out of current funds together with payment for principal and interest owed on debentures in respect to Ottawa Schools owned by the Ottawa Board, shall not be included.

8. The Ottawa Board and the Nepean Board shall discuss jointly on or before the fifteenth day of March, in each year, the allocation of pupils to the Nepean High Schools and the Nepean Board shall in accordance with such allocation set the boundaries for such high schools and report the same to the Ottawa Board on or before the 15th day of April in each year. Such boundaries shall be thereupon fixed and not changed without the consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 shall not apply to the allocation of students to the Nepean High Schools.

9. The Nepean Board and the Ottawa Board shall meet in joint session on the first Tuesday in March, May and October in each year to discuss matters arising out of this Agreement.

10. The Nepean Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Ottawa Board at the Nepean High Schools at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Nepean High Schools and in the planning, acquisition and equipping of any additional accommodation in connection therewith the equipment and facilities provided shall be such as to permit uniformity of operation and maintenance with those of Ottawa secondary schools.

12. All applications for rentals of the Nepean High Schools shall be first submitted to the Nepean Board for approval. If approved, applications shall then be presented to the Ottawa Board and the general policies, regulations and rates of the Ottawa Board as to granting of applications and as to administration of rentals in secondary schools shall apply. The Ottawa Board shall administer the rentals in all respects and shall retain any rental money received.

13. Unless terminated by mutual consent, this agreement shall remain in force until the thirtieth day of June, 1967, and will expire on such date if either Board has given notice of intention to terminate in writing to the other Board on or before the thirtieth day of June, 1966. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the thirtieth day of June in any year subsequent to 1967, give written notice to the other Board of its intention to terminate on the thirtieth day of June in the year following, whereupon this agreement shall expire upon the thirtieth day of June in such year following receipt of such notice.

14. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

15. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of The Minister of Education with all costs to be borne by the Nepean Board.

IN WITNESS WHEREOF the parties have hereunto set their corporate seal attested to by their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

Nepean Township School District
Board of Trustees

(Corporate seal)

The Collegiate Institute Board of
Ottawa.

(Corporate seal)

NEPEAN TOWNSHIP HIGH SCHOOL
DISTRICT BOARD:

Per:

JOHN A. DAWSON,
Chairman.

P. T. DIXON,
Secretary.

COLLEGIATE INSTITUTE BOARD OF
OTTAWA:

Per:

ALBERT B. ULLETT,
Chairman.

FRANK G. PATTEN,
Secretary.

CHAPTER 161

An Act respecting the Town of Oakville

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Town of Oakville Preamble and The Corporation of the Township of Trafalgar by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing any urban service, the cost of managing, operating and maintaining any urban service, the cost of any utility supplied and of any land, buildings and equipment necessary therefor, and the cost of the issue and sale of debentures and any discount allowed to the purchasers of them;
- (b) "Town" means the Town of Oakville as established on the 1st day of January, 1962, by order of the Ontario Municipal Board;
- (c) "urban service" means,
 - (i) the collection, transmission, treatment and disposal of sewage,
 - (ii) the collection, transmission and disposal of storm water,
 - (iii) the collection, removal, treatment and disposal of ashes, garbage and other refuse,
 - (iv) street lighting, and

(v)

- (v) the provision of a supply of water for fire purposes and other public uses from hydrants or otherwise, and the renting of hydrants;

(d) "urban service area" means all that part of the Town lying to the south of the Upper Middle Road from the east town-line to the west town-line or as altered from time to time under section 2.

Alteration
of urban
service area

2. The council of the Town may, by by-law passed by a vote of three-fourths of all the members of the council, alter the boundaries of the urban service area, but no such by-law shall take effect until it has been approved by the Ontario Municipal Board.

Cost of
urban
services

3. The aggregate amount of the sums necessary in each year to pay the cost of providing urban services in or for the benefit of any part of the urban service area, including the corporation's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with the provision of any such service, except to the extent that such cost is raised by special assessments or rates under any general or special Act or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all the rateable property in the urban service area, and no part of such cost shall be levied on the part of the Town lying outside the urban service area.

R.S.O. 1960,
c. 223

R.S.O. 1960,
c. 249

Liabilities
re water,
sewers, etc.

4. All liabilities of the Town in respect of water, sanitary sewer, storm sewer, garbage and sanitation, and street lighting, which on the 31st day of December, 1961, were liabilities of the Township of Trafalgar in any special area in whole or in part within the urban service area, or which on that date were liabilities of the Town of Oakville, shall be discharged by the imposition of rates upon all the rateable property in the urban service area.

Application
of Act to
tax
exemptions

5.—(1) Nothing herein affects any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application
of
R.S.O. 1960,
c. 24, s. 37

(2) Section 37 of *The Assessment Act* applies to lands situated in the urban service area with respect to taxation or rates levied under or by virtue of this Act as if the urban service area were the whole municipality.

Rates in
Town outside
urban
service area
R.S.O. 1960,
c. 223

6. Nothing herein prevents the council of the Town from imposing rates under *The Local Improvement Act* or any other general or special Act upon defined areas in the Town

outside

outside the urban service area in respect of urban services provided to or for the benefit of any part of the Town outside the urban service area.

7. Subsection 3 of section 405 of *The Municipal Act* ^{Mileage allowance} applies to the council of the Town as if it were the council of ^{R.S.O. 1960, c. 249} a county or a township.

8. The council of the Town may, by by-law, establish a ^{Boat patrol} force to patrol its harbours and waterfront for the purpose of ensuring the safety of persons using small boats, may appoint a committee to manage the force and may make grants of money to meet the expenses thereof.

9. *The Oakville-Trafalgar Public Utilities Commission Act*, ^{1960, c. 157, repealed} 1960 is repealed.

10. This Act shall be deemed to have come into force on ^{Commence-} the 1st day of January, 1962. ^{ment}

11. This Act may be cited as *The Town of Oakville Act*, ^{Short title} 1961-62.

CHAPTER 162

**An Act respecting
Ontario Co-operative Credit Society**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS Ontario Co-operative Credit Society by its ^{Preamble} petition has represented that it was incorporated by *The Ontario Co-operative Credit Society Act, 1949* with an ^{1949, c. 133} authorized capital of \$1,000,000, divided into 100,000 shares having a par value of \$10 each; and whereas the petitioner has prayed for special legislation increasing its authorized capital to \$3,000,000; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The authorized capital of Ontario Co-operative Credit Society is increased from \$1,000,000 to \$3,000,000 by the ^{Authorized capital increased} creation of 200,000 shares having a par value of \$10 each, ranking in all respects *pari passu* with the existing 100,000 shares.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

3. This Act may be cited as *The Ontario Co-operative Credit Society Act, 1961-62*. ^{Short title}

CHAPTER 163

**An Act respecting The Ontario
Registered Music Teachers' Association**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Ontario Registered Music Teachers' ^{Preamble} Association by its petition has represented that it was incorporated by *The Ontario Registered Music Teachers' Association Act, 1946* and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Registered Music Teachers' Association Act, 1946* is amended by adding thereto the <sup>1946, c. 131,
s. 1, amended</sup> following subsection:

- (2) The head office of the Association shall be in the <sup>Head
office</sup> City of Toronto or such other place in Ontario as the Association may determine by by-law.

2. Subsection 1 of section 4 of *The Ontario Registered Music Teachers' Association Act, 1946* is repealed and the <sup>1946, c. 131,
s. 4, subs. 1, re-enacted</sup> following substituted therefor:

- (1) The affairs of the Association shall be under the <sup>Composition
and election</sup> management of a council composed of not more than fifteen members as the Association may provide by by-law, and the members shall be elected for such term and in such manner as the by-laws may provide.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The Ontario Registered Music Teachers' Association Act, 1961-62*. ^{Short title}

CHAPTER 164

An Act respecting the City of Ottawa

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the City of Ottawa, Preamble
herein called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation may pass by-laws Agreement
re water
works
authorized
for entering into agreement with one or more adjacent
municipalities for,

- (a) a supply of water to the adjacent municipality from
the water works of the Corporation;
- (b) the operation by the Corporation of the water works
system of the adjacent municipality;
- (c) the construction by the Corporation of a booster
pumping station or booster pumping stations in the
adjacent municipality;
- (d) the assumption by the Corporation of the outstanding
indebtedness incurred by the adjacent municipality
in respect of any existing booster pumping station
or booster pumping stations,

upon such terms and conditions as may be agreed upon.

(2) All charges for water, supplied to the owners or occu- Collection
of charges
pants of land in the adjoining municipality by the Corporation
under an agreement referred to in subsection 1, may be
entered on the tax roll of the municipality in which the land
is situate and collected in the same manner with the same
penalties and interest and with the same remedies as provided
or authorized by *The Assessment Act* for the collection of real R.S.O. 1960,
c. 23
property taxes.

Agreement
confirmed

2. The agreement dated the 24th day of March, 1961, between The Corporation of the City of Ottawa and The Corporation of the County of Carleton, set forth as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto, the ratepayers of the City of Ottawa and of the County of Carleton and all other persons affected thereby.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Ottawa Act, 1961-62*.

SCHEDULE

AN AGREEMENT made in duplicate the 24th day of March, 1961.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA,
hereinafter called the "City",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE COUNTY OF CARLETON,
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the 1st day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS by an agreement dated the 7th day of February, 1955 entered into between the City and the County confirmed and declared to be legal, binding and valid by section 2 of *The City of Ottawa Act, 1955* (Statutes of Ontario, 1955, Chapter 108) the City and the County agreed to renew the said agreement dated the 20th day of March, 1950 for a period of five years ending on the 31st day of December, 1959;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 113 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall have effect from the 1st day of January, 1960 and shall remain in effect until the 31st day of December, 1965.

IN

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY
OF OTTAWA:

LLOYD FRANCIS,
Acting Mayor.

A. T. HASTEY,
Clerk.

[Seal]

W. H. BRUNETTE

THE CORPORATION OF THE COUNTY
OF CARLETON:

J. A. BOYD,
Warden.

H. E. COLDREY,
Clerk-Treasurer.

CHAPTER 165

An Act respecting the City of Ottawa Separate School Board

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa, herein called the Board, by its petition has represented that it is expedient to provide greater representation on the Board and for this purpose to reconstitute the Board so as to consist of ten, instead of nine, trustees; and whereas the petitioner has prayed for special legislation for such purpose; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Ottawa Separate School Board Act, 1950* is repealed and the following substituted therefor: <sup>1950, c. 110,
s. 1,
re-enacted</sup>

- 1.—(1) The Board shall consist of ten trustees, each of whom shall continue in office for four years and until his successor has been elected. <sup>Composition
of Board</sup>
- (2) The vacancy created in the Board by the addition of a tenth trustee shall be filled by the Board in the same manner as provided by section 4, and the trustee so appointed shall hold office for the same term as the trustees whose terms of office expire on the election of trustees in the year 1964. <sup>Filling of
vacancy
created by
increase in
number of
trustees</sup>
- (3) The trustees shall continue to be elected on the staggered system, and, in the year 1962 and in every second year thereafter, there shall be elected five trustees to replace the outgoing five trustees. ^{Elections}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The City of Ottawa Separate School Board Act, 1961-62*. ^{Short title}

CHAPTER 166

An Act respecting The Queen Elizabeth Hospital for Incurables, Toronto

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Queen Elizabeth Hospital for Incurables, ^{Preamble} Toronto by its petition has represented that it was incorporated in the name "The Toronto Home for Incurables" on the 5th day of August, 1874, under *An Act respecting Benevolent, Provident and other Societies*, being chapter 34 of the Statutes of the Province of Ontario, 1874, that by an order in council, approved by the Lieutenant-Governor on the 16th day of February, 1907, its name was changed to "The Toronto Hospital for Incurables", that by *The Queen* ^{1942, c. 56} *Elizabeth Hospital for Incurables, Toronto, Act, 1942* its name was changed to "The Queen Elizabeth Hospital for Incurables, Toronto", and that it is desired to continue the corporate existence of the corporation in the name "The Queen Elizabeth Hospital, Toronto"; and whereas the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporate name of The Queen Elizabeth Hospital ^{Change of name} for Incurables, Toronto is hereby changed to "The Queen Elizabeth Hospital, Toronto".

2. All trusts, gifts, devises and bequests which have been ^{Trusts, bequests, etc.} heretofore or shall hereafter be made to or in favour of or intended for The Toronto Home for Incurables, The Toronto Hospital for Incurables or The Queen Elizabeth Hospital for Incurables, Toronto shall be held and enjoyed by The Queen Elizabeth Hospital, Toronto.

3. *The Queen Elizabeth Hospital for Incurables, Toronto, 1942, c. 56, Act, 1942* is repealed. ^{repealed}

4. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

5. This Act may be cited as *The Queen Elizabeth Hospital, Toronto Act, 1961-62*. ^{Short title}

CHAPTER 167

An Act respecting the Town of Richmond Hill

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

WHEREAS The Corporation of the Town of Richmond Hill by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Municipal Act*, the council of the Town of Richmond Hill may provide by by-law that the council shall be composed of a mayor, reeve and deputy reeve elected by general vote and four councillors, one councillor elected by the electors of each of the four wards of the Town.

Composition
of council

2. Subsections 4, 6 and 7 of section 29 of *The Municipal Act* apply *mutatis mutandis* to this Act.

Application
of R.S.O.
1960, c. 249

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Town of Richmond Hill Act, 1961-62*.

Short title

CHAPTER 168

An Act respecting Riverview Health Association

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS Riverview Health Association by its petition ^{Preamble} has represented that it was incorporated under *The Companies Act* ^{R.S.O. 1927, c. 218} by letters patent dated the 4th day of March, 1931, and that it owns and operates Riverview Hospital, a public hospital approved under *The Public Hospitals Act*, ^{R.S.O. 1960, c. 322} at the City of Windsor; and whereas the petitioner has prayed for special legislation to provide for the distribution of the property of Riverview Health Association in the event of dissolution; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon dissolution of Riverview Health Association and after payment of all debts and liabilities thereof, the remaining ^{Distribution of property upon dissolution} property of Riverview Health Association shall be distributed or disposed of to hospitals approved under *The Public Hospitals Act* situate within the County of Essex in the Province of Ontario in such manner and upon such terms as may be directed by the Hospital Services Commission of Ontario; provided, however, that such property shall be distributed only among such hospitals the net earnings of which do not enure to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation and which do not participate in or intervene in any political campaign on behalf of any candidate for public office.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The Riverview Health Associa-Short title
tion Act, 1961-62.*

CHAPTER 169

An Act respecting the City of St. Catharines

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the City of St. Catharines ^{Preamble}
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

<sup>Interpre-
tation</sup>

(a) "Commission" means The St. Catharines Transit
Commission;

(b) "Corporation" means The Corporation of the City
of St. Catharines;

(c) "Council" means the council of the Corporation;

(d) "System" means the public bus transportation
system established by the Corporation under the
provisions of paragraph 88a of subsection 1 of
section 379 of *The Municipal Act*, and known as <sup>R.S.O. 1960,
c. 249</sup>
The St. Catharines Transit System.

2.—(1) A Commission is hereby established to be known <sup>Commission
established</sup>
as The St. Catharines Transit Commission.

(2) The Commission is a body corporate.

<sup>Body
corporate</sup>

(3) The Commission shall consist of five members, to be ^{Composition}
known as Commissioners, appointed from time to time by
by-law of Council, two of whom may be members of Council.

(4) Commissioners who are not members of Council shall <sup>Term of
office</sup>
hold office for a term of three years and Commissioners who
are members of Council shall hold office for a term of one year.

(5)

First Com-
mission

(5) The first Commission shall consist of three Commissioners who are not members of Council, one appointed to hold office to December 31, 1962, one appointed to hold office to December 31, 1963, and one appointed to hold office to December 31, 1964, and two Commissioners who are members of Council appointed to hold office to December 31, 1962.

Appoint-
ments
after 1962

(6) After December 31, 1962, none of the Commissioners appointed need to be a member of Council and, where none of the members appointed is a member of Council, not more than two Commissioners shall hold office for the same term.

Vacancy

(7) If a vacancy occurs on the Commission from any cause, the Council, by by-law, shall appoint a Commissioner to fill such vacancy, who shall hold office for the remainder of the term of his predecessor.

Eligibility
for re-
appointment

(8) A Commissioner is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

Term

(9) A Commissioner shall hold office until his successor is appointed.

Remunera-
tion

(10) Commissioners may be paid such salary or other remuneration as may be fixed by by-law of the Council.

Qualifica-
tions

R.S.O. 1960,
c. 249

(11) The provisions for qualification and disqualification applicable to a member of the council of a local municipality, as established from time to time by *The Municipal Act*, excepting therefrom the requirements relating to residence, apply *mutatis mutandis* to the qualification and disqualification of a person appointed or to be appointed a Commissioner, but the provisions of clause g of subsection 1 of section 35 of *The Municipal Act* shall not apply to render any member of Council appointed to the Commission ineligible to be elected to the Council or to disentitle such member to sit or vote therein.

Quorum

(12) Three Commissioners constitute a quorum for the transaction of business.

Chairman

(13) The Commissioners shall, at the first meeting in each year, elect one of their number to be chairman and one of their number to be vice-chairman, each of whom shall hold office during the ensuing year or until a successor is elected.

Powers
R.S.O. 1960,
cc. 337, 172

3. The Commission, subject to this Act, *The Public Vehicles Act* and *The Highway Traffic Act*, has full power and authority to acquire, establish, maintain and operate a public bus transportation system within the City of St. Catharines

and,

and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, and, without limiting the generality of the foregoing, has power,

- (a) to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise;
- (b) to fix transportation fares and tolls and make regulations with respect to the operation and control of the System,

and, subject to the approval of Council by by-law, has power,

- (c) to acquire, by purchase or otherwise, the bus transportation facilities and equipment of any person, firm or corporation operating buses for the conveyance of passengers within the municipality;
- (d) to acquire, by purchase or otherwise, any personal property required for the establishment, operation, maintenance or extension of the System; and
- (e) to enter into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the Commission in such adjoining municipality.

4. The power of the Corporation to acquire personal property for a bus transportation system shall be deemed to include the power to acquire such property for the purposes of the Commission and the power to transfer the same to the Commission.

Power of Corporation to acquire personal property

5. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, the Corporation may by by-law provide that the right of the Commission to maintain and operate buses for the conveyance of passengers within the City of St. Catharines is exclusive as against all others, but such right shall not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils, by contract or otherwise, and nothing in this Act contained shall affect the right of any person to compensation which, but for the passing of this Act, such person may have had.

Exclusive right to operate in city
R.S.O. 1960, cc. 337, 172

6. The Commission may sue and be sued in its own name, and all claims, suits, accounts and demands arising from or relating to the operation, management or control of the System or from the exercise of any of the powers of the Com-

Claims

mission shall be made upon and brought against the Commission and not upon or against the Corporation.

Insurance

7. The Commission shall at all times cause to be insured all real and personal property of the Commission, and such insurance shall include public liability and indemnity insurance in connection with all phases of the operation of the Commission, except only such items of liability as may be covered by *The Workmen's Compensation Act*.

R.S.O. 1960,
c. 347

Fares and
tolls

8.—(1) The Commission shall, so far as possible, fix transportation fares and tolls and establish such fare zones as may be deemed necessary so that the revenues produced in each year shall be sufficient to provide for,

- (a) the operation and maintenance expenses, including such provision for renewals, depreciation and reserves as it thinks fit;
- (b) the interest and principal payable on any debentures issued by the Corporation to acquire the System and the interest and principal on any moneys subsequently borrowed by the Corporation for the purposes of the Commission.

Remission
of interest
and
principal on
debentures,
etc.

(2) The Commission shall remit to the Corporation, on or before the maturity date thereof, any interest and principal payable by the Corporation as provided for in clause *b* of subsection 1.

Fiscal year
and
auditors

9. The fiscal year of the Commission shall be the calendar year and the auditors of the Corporation shall be the auditors of the Commission, and all books, documents, transactions and accounts of the Commission shall, at all times, be open for the inspection of the auditors and the treasurer of the Corporation.

Financial
report

10. The Commission shall, before the 15th day of February in each year, deliver to the Council a complete audited and certified financial report, including a balance sheet of assets and liabilities and a statement of revenue and expenditures and surpluses or deficits.

Operating
deficits

11. The Commission shall, before the 15th day of February in each year, submit to the Council a statement of any moneys required to pay any deficit of the System as at the end of the preceding calendar year, and the Council shall include the same in its estimates for the year and shall pay over to the Commission, on or before the 1st day of April of the same year, the amount of any such deficit, as shown by the auditor's statement, for such calendar year.

12. The Commission may, with the consent of Council, ^{Temporary borrowing} borrow by way of temporary loans from any chartered bank to meet the operating expenses of the System.

13. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

14. This Act may be cited as *The City of St. Catharines Act*, ^{Short title} 1961-62.

CHAPTER 170

**An Act respecting The High School Board of
the City of Sudbury and The Neelon-
Garson and Falconbridge District
High School Board**

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The High School Board of the City of ^{Preamble}
Sudbury and The Neelon-Garson and Falconbridge
District High School Board by their petition have prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Agreement between The Neelon-Garson and Falcon- <sup>Agreement
validated</sup>
bridge District High School Board and The High School
Board of the City of Sudbury, dated the 22nd day of Novem-
ber, 1961, set forth as the Schedule hereto, is declared to be
legal, valid and binding upon both boards and both boards
are hereby empowered to carry out all their respective obliga-
tions that may arise thereunder.

2. The Agreement may be amended by mutual consent of <sup>Amendment
of</sup>
both boards only with the approval of the Minister of ^{Agreement}
Education.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

4. This Act may be cited as *The Sudbury and Suburban* ^{Short title}
Secondary Schools Act, 1961-62.

SCHEDULE

THIS AGREEMENT made in duplicate this 22nd day of November, A.D. 1961.

BETWEEN:

THE NEELON-GARSON AND FALCONBRIDGE DISTRICT
HIGH SCHOOL BOARD,
hereinafter called the "Suburban Board",

OF THE FIRST PART,

—and—

THE SUDBURY HIGH SCHOOL BOARD,
hereinafter called the "Sudbury Board",

OF THE SECOND PART.

WHEREAS BY INDENTURE dated the 22nd day of November, 1961, the parties hereto agreed that a maximum of 760 Secondary School students be accommodated in a Secondary School financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board agreed to add to the Secondary School an addition to accommodate 250 academic secondary school students which addition will be ready for occupancy by September 1st, 1965, to be financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board is planning to erect a secondary school situate in the Township of Garson, in the District of Sudbury, which with its fixtures, equipment and site is hereinafter referred to as the "Garson-Falconbridge Vocational School";

AND WHEREAS the Suburban Board has requested the Sudbury Board to operate the Garson-Falconbridge Vocational School for a term of 20 years commencing September 1st, 1963 in the same manner in which it operates its secondary schools in the City of Sudbury;

AND WHEREAS the Sudbury Board has agreed to do so upon the terms and conditions hereinafter contained;

WITNESSETH THAT in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Garson-Falconbridge Vocational School is to be erected and the buildings constructed upon such lands by the Suburban Board and any furniture and equipment purchased by the Suburban Board in connection with such Garson-Falconbridge Vocational School shall be and remain vested in and be the property of the Suburban Board.

2. The Suburban Board agrees to erect the Garson-Falconbridge Vocational School in accordance with the plans and specifications which it has prepared and has had approved by the Minister of Education and of which a copy has been filed with the Sudbury Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity and kind with those in Sudbury secondary schools, and to fence, landscape and prepare the school site suitably, so that such school will be ready to open on the first school day in September, 1963.

3. Upon completion of the Garson-Falconbridge Vocational School as aforesaid, the Sudbury Board shall staff, operate and maintain it and, except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Sudbury Board.

4. The Sudbury Board shall pay the current operation expenses of the Garson-Falconbridge Vocational School, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage, loss and public liability. The Suburban Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

It is agreed that the Suburban Board will pay all costs of transportation for its own students.

5. The maintenance of the Garson-Falconbridge Vocational School by the Sudbury Board shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment, as required through normal wear and tear; provided that no structural changes shall be made by the Sudbury Board without the consent of the Suburban Board.

6. The Suburban Board shall pay to the Sudbury Board the cost of tuition fees for Suburban Board pupils attending the Garson-Falconbridge Vocational School and any other secondary school operated by the Sudbury Board and the costs shall be calculated pursuant to Subsection 2 of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, and in addition thereto be subject to clauses a and b following.

(a) In computing the payments made on Sudbury Board debentures the debenture charges of the Suburban School shall be included in the costs of the Sudbury Board.

(b) The Sudbury Board in calculating the costs of the Suburban Board will deduct the amount paid by the Suburban Board for debentures on the Garson-Falconbridge Vocational School from the calculated tuition; and in addition an adjustment will be made in favour of the Suburban Board by the Sudbury Board for any loss of grants normally received on debentures that the Suburban Board may incur as a result of accommodating students from other high school districts attending the Garson-Falconbridge Vocational School.

7. This basis of calculation shall apply to tuition fees to be paid for outside students other than Sudbury Board students and Suburban Board students attending the Garson-Falconbridge Vocational School or any other secondary school operated by the Sudbury Board regardless if the pupil or pupils are from any other school Board jurisdiction or territorial district.

8. The Sudbury Board and the Suburban Board shall discuss jointly on or before the 15th day of March in each year the allocation of pupils to the Garson-Falconbridge Vocational School and shall in accordance with such allocation set the boundaries for the Garson-Falconbridge Vocational School. Such boundaries shall be thereupon fixed and not changed without consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, shall not apply to the allocation of students to the Garson-Falconbridge Vocational School.

9. The Suburban Board and the Sudbury Board shall meet in joint session on the first Wednesday of May and October in each year to discuss the education of Neelon-Garson and Falconbridge students and the operation of the Garson-Falconbridge Vocational School.

10. The Suburban Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Sudbury Board at the Garson-Falconbridge Vocational School at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Garson-Falconbridge Vocational School and in the planning, acquisition and equipping of any additional accommodation in connection therewith, the equipment and facilities shall be such as to permit uniformity of operation and maintenance with those of Sudbury secondary schools.

12. All applications for rentals of the Garson-Falconbridge Vocational School shall be first submitted to the Suburban Board for approval. If approved, application shall then be presented to the Sudbury Board and the general policies, regulations and rates of the Sudbury Board as to the granting of applications and as to administration of rentals in secondary schools shall apply. The Sudbury Board shall administer the rentals in all respects and shall retain any rental money received.

13. This agreement or amendments thereto shall remain in force until the 31st day of August, 1983 and will expire on such date if either Board has give notice of intention to terminate in writing to the other Board on or before the 31st day of August, 1982. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the 31st day of August in any year subsequent to 1982 give written notice to the other Board of its intention to terminate on the 31st day of August in the year following, whereupon this agreement shall expire upon the 31st day of August in such year following receipt of such notice.

14. The students of the Suburban Board shall have the same rights and privileges as the students of the Sudbury Board who wish to attend special courses not available to the Suburban Board students.

15. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

16. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education, with all costs to be borne by the Suburban Board.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested to by their proper officers in that behalf.

SIGNED, SEALED AND
DELIVERED:

THE NEELON-GARSON AND FALCONBRIDGE
DISTRICT HIGH SCHOOL BOARD:

Per: HAROLD BONDETT,
Secretary-Treasurer.

Per: P. A. PIGEON,
Chairman.

THE SUDBURY HIGH SCHOOL BOARD:

Per: GRANT BOYCE,
Secretary-Treasurer.

Per: C. A. PARKER,
Chairman.

CHAPTER 171

An Act respecting the City of Toronto

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the City of Toronto, ^{Preamble}
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Subject to the approval of the Ontario Municipal <sup>By-laws re
special
charges</sup>
Board first being obtained, the council of the Corporation
may pass by-laws for imposing upon the owners of high-rise
or other buildings, as defined by the by-law, for the erection
or enlargement of which a building permit was or is issued
subsequent to the 6th day of March, 1962, or of any class
or classes of such buildings, that impose or may impose
a heavy load on the sewer system or water system, or both,
by reason of which expenditures are or may be required to
provide additional sanitary or storm sewer or water supply
capacity, which, in the opinion of the council, would not
otherwise be required, a special charge or charges over and
above all other rates and charges to pay for all or part of
the cost of providing the additional capacity.

(2) The proceeds of the charge or charges authorized by <sup>Application
of proceeds</sup>
subsection 1 shall be used for the purpose therein referred
to and not otherwise.

(3) Any charge or charges imposed under subsection 1 are <sup>Charges
a lien on
land</sup>
a lien upon the land on which the building is erected and
may be collected in the same manner and with the same
remedies as provided by *The Assessment Act* for the collection <sup>R.S.O. 1960.
c. 23</sup>
of real property taxes.

(4) There shall be an appeal to the court of revision of the ^{Appeal}
City of Toronto from any charge or charges authorized by
subsection 1, and the provisions with respect to appeals to
the court of revision and section 51 of *The Local Improvement* <sup>R.S.O. 1960.
c. 223</sup>
Act apply *mutatis mutandis*.

Application
of section

(5) This section does not apply to single-family, double or duplex buildings.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Toronto Act, 1961-62*.

CHAPTER 172

An Act respecting The United Church of Canada

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The United Church of Canada by its petition ^{Preamble} has represented that it was incorporated by *The United* ^{1924, c. 100} *Church of Canada Act* (Canada) and power was given to it ^(Can.) to make loans and invest moneys by clause *c* of section 18 of that Act; that by section 21 of *The United Church of Canada* ^{1925, c. 125} *Act* (Ontario) the Church and all boards, committees or other bodies established, appointed or created by it pursuant to the provisions of the Act of Incorporation or the last-mentioned Act were given all rights, powers and privileges conferred or intended to be conferred upon it or them by such Acts or either of them within Ontario; that the power of the Church to make investments was extended by *An Act to amend The United Church of Canada Act*, being chapter 84 of the Statutes of Canada, 1951, and *The United Church of Canada* ^{1951, c. 118} *Act, 1951* (Ontario) to authorize investment in securities in which Canadian insurance companies are authorized, from time to time by the Parliament of Canada, to invest funds subject to the limitations on investments in stocks, bonds and debentures set out in *The Canadian and British Insurance* ^{1932, c. 46} *Companies Act, 1932* (Canada); and that an application has ^(Can.) been made to the Parliament of Canada for legislation extending the power of The United Church of Canada to invest and re-invest its moneys, including moneys held for The Pension Funds of the Church, in the investments in which Canadian insurance companies are from time to time authorized by the *Canadian and British Insurance Companies* ^{R.S.C. 1952,} *Act*, except as to the limitation set out in subsection 7 of ^{c. 31} section 63 thereof, to invest and re-invest their moneys; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Invest-
ments1924, c. 100
(Can.)

1925, c. 125

R.S.C. 1952,
c. 31

1.—(1) If the Parliament of Canada authorizes The United Church of Canada to make such investments, The United Church of Canada and all boards, committees or other bodies established, appointed or created by it pursuant to *The United Church of Canada Act* (Canada) and *The United Church of Canada Act* (Ontario) shall have and may exercise within Ontario power to invest and re-invest its moneys, including moneys held for The Pension Funds of the Church, in the investments in which Canadian insurance companies are from time to time authorized by the *Canadian and British Insurance Companies Act* (Canada) to invest and re-invest their moneys, and shall have all such rights and remedies for the collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

Limitation

(2) Such investments are not subject to the limitation set out in subsection 7 of section 63 of the *Canadian and British Insurance Companies Act* (Canada).

1951, c. 118,
repealed

2. When section 1 becomes effective by virtue of The United Church of Canada being authorized by the Parliament of Canada to make the investments referred to in subsection 1 of section 1, *The United Church of Canada Act, 1951* (Ontario) is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The United Church of Canada Act, 1961-62*.

CHAPTER 173

An Act respecting the Township of Wicksteed

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Corporation of the Township of Wicksteed, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 395 of The Corporation of the Township of Wicksteed, which was read a first and second time on the 25th day of January, 1961, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in a principal amount not exceeding the sum of \$50,000 to pay the costs of constructing the addition of two classrooms with equipment and two washrooms and additional heating facilities to the existing Hornepayne Continuation School, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Debenture
by-law
validated

2. Sections 55 to 61 of *The Ontario Municipal Board Act* apply in respect of By-law No. 395 and the debentures to be issued thereunder. Application
of R.S.O.
1960, c. 274

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order pursuant to section 63 of *The Public Schools Act* and pursuant to section 64 of *The Ontario Municipal Board Act* authorizing The Board of Trustees of the Continuation School of the Township of Wicksteed to proceed with the undertakings referred to in section 1 and authorizing the Corporation to pass the debenture by-law referred to in section 1. By-law
deemed
approved
by
O.M.B.
R.S.O. 1960,
cc. 330, 274

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

Short title

5. This Act may be cited as *The Township of Wicksteed Act, 1961-62*.

SCHEDULE

THE CORPORATION OF THE TOWNSHIP OF WICKSTEED

BY-LAW No. 395

BEING A BY-LAW to authorize the borrowing of \$50,000.00 upon debentures for continuation school purposes.

WHEREAS The Public School Board of the Township School Area of Township of Wicksteed has requested the Council to provide the sum of \$50,000.00 for the purpose of construction of an addition of two classrooms, wash-rooms and heating facilities to existing Continuation School Building in the said Township School Area;

AND WHEREAS it is necessary and expedient to borrow for the said purpose a sum not exceeding \$50,000.00 upon the credit of the Corporation, to issue debentures therefor bearing interest payable annually at the rate per annum shown in Schedule "A" attached to this by-law and to provide for the discount and the expenses incidental to the negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty (20) years in the respective amounts set forth in Schedule "A" hereto annexed;

THEREFORE The Council of the Corporation of the Township of Wicksteed enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$50,000.00 and shall issue debentures therefor.

2. Each debenture shall bear interest at the rate shown in Schedule "A" attached to this by-law and shall have coupons attached thereto for the payment of such interest.

3. The debentures shall be dated the 30th day of September, 1961; shall be issued at one time and shall be payable with interest in twenty (20) annual instalments on the 30th day of September in each of the years 1961 to 1981 inclusive, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

4. The debentures to be issued shall be twenty in number, one falling due in each year of the said term.

5. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at the Imperial Bank in the Village of Hornepayne or at the principal office of the said bank in the City of Toronto.

6. The said debentures shall be sealed with the seal of the Corporation and signed by the Head of the Council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

7. Commencing in the year 1961 and thereafter, in each year in which an instalment of principal of the said debt and the interest thereon becomes due the Council shall levy and raise the specific sum shown for the respective year in the said Schedule "A". Such sum shall be levied

and

and raised by a special rate therefor, over and above all other rates, upon the property of ratepayers who are supporters of public schools under the jurisdiction of the Board of School Trustees of the Township School Area of Township of Wicksteed.

8. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

9. Pending the sale of the said debentures the Head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the amount hereby authorized to be borrowed and may hypothecate such debentures for such loan.

READ A FIRST AND SECOND TIME this 25th day of January, 1961.

JOHN REDGRIFT,
Reeve.

M. W. TOMPKINS,
Clerk.

READ A THIRD TIME AND FINALLY PASSED this day of
 . 19 .

Reeve.

.....
Clerk.

Schedule "A"

BY-LAW No. 395

 $6\frac{3}{4}\%$

\$50,000.00

Debt No.	Maturity Date	Principal	Interest Rate	Interest	Total
1	1963	\$ 1,300.00	6¾%	\$ 3,375.00	\$ 4,675.00
2	1964	1,300.00		3,287.25	4,587.25
3	1965	1,400.00		3,199.50	4,599.50
4	1966	1,500.00		3,105.00	4,605.00
5	1967	1,600.00		3,003.75	4,603.75
6	1968	1,700.00		2,895.75	4,595.75
7	1969	1,900.00		2,781.00	4,681.00
8	1970	2,000.00		2,652.75	4,652.75
9	1971	2,100.00		2,517.75	4,617.75
10	1972	2,300.00		2,376.00	4,676.00
11	1973	2,400.00		2,220.75	4,620.75
12	1974	2,600.00		2,058.75	4,658.75
13	1975	2,800.00		1,883.25	4,683.25
14	1976	2,900.00		1,694.25	4,594.25
15	1977	3,100.00		1,498.50	4,598.50
16	1978	3,300.00		1,289.25	4,589.25
17	1979	3,600.00		1,066.50	4,666.50
18	1980	3,800.00		823.50	4,623.50
19	1981	4,100.00		567.00	4,667.00
20	1982	4,300.00		290.25	4,590.25
		\$50,000.00		\$42,585.75	\$92,585.75

CHAPTER 174

An Act respecting the City of Windsor

Assented to March 30th, 1962
Session Prorogued April 18th, 1962

WHEREAS The Corporation of the City of Windsor by ^{Preamble} its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The City of Windsor Act, 1946*, as re-enacted by section 1 of *The City of Windsor Act, 1955*, is amended by relettering clauses *a* and *b* as clauses *c* and *d* and by adding thereto the following clauses: ^{1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 1, amended}

(a) “Council” means the council of The Corporation of the City of Windsor;

(b) “County Council” means the council of The Corporation of the County of Essex.

(2) Clause *b* of subsection 3 of the said section 10 is repealed and the following substituted therefor: ^{1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 3, cl. b, re-enacted}

(b) two governors who shall be the members of the medical staff prescribed by the regulations under *The Public Hospitals Act*. ^{R.S.O. 1960, c. 322}

(3) Subsection 3 of the said section 10 is amended by adding thereto the following clause: ^{1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 3, amended}

(e) one governor to be appointed by the County Council who shall be a member of that council, other than the warden.

(4) Subsection 4 of the said section 10 is amended by striking out “clauses *a*, *c* and *d*” in the second line and inserting in lieu thereof “clauses *a*, *c*, *d* and *e*”, so that the subsection shall read as follows: ^{1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 4, amended}

Term of
office

- (4) Subject to subsection 5, governors appointed under clauses *a*, *c*, *d* and *e* of subsection 3 shall hold office for a term of three years.

1946, c. 145,
s. 10 (1955,
c. 119, s. 1),
subs. 6,
amended

- (5) Subsection 6 of the said section 10 is amended by adding thereto the following clause:

- (c) by the County Council under clause *e* of subsection 3 shall cease to hold office when he ceases to be a member of that council.

Ambulance

- 2.** The Corporation of the City of Windsor is authorized and empowered to provide, maintain or hire an ambulance or carriage for the conveyance of indigent persons or persons in the care and custody of the Police Department of the City of Windsor suffering from disease or accident, and to pay the expenses of conveying therein any such persons to a hospital or other place.

Lands
vested in
Corporation

- 3.** The lands described in the Schedule hereto are hereby vested in The Corporation of the City of Windsor in fee simple, clear of and free from all right, title and interest other than that of the Corporation.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The City of Windsor Act*, 1961-62.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, and containing by admeasurement five thousand five hundred and eighteen square feet (5,518 sq. ft.) more or less, being composed of a part of Lot No. Two (2), according to Registered Plan No. 54, in the said City of Windsor and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the eastern limit of Indian Road, distant fifty feet (50'), measured on a course of South twenty-eight degrees East (S. 28° E.), magnetically, along said limit from the southwestern angle of Lot No. Forty-five (45), according to Registered Plan No. 1139; Thence South twenty-eight degrees East (S. 28° E.), magnetically, along the said eastern limit of Indian Road, forty-four feet and four inches (44' 4") to a point; Thence North sixty-one degrees East (N. 61° E.), magnetically, and parallel with the southern limit of said Lot No. Forty-five (45), one hundred and twenty-four feet and six inches (124' 6"), to a point; Thence North twenty-eight degrees West (N. 28° W.), magnetically, and parallel with the eastern limit of Indian Road, forty-four feet and four inches (44' 4"), to a point; Thence South sixty-one degrees West (S. 61° W.), magnetically, and parallel with the southern limit of said Lot No. Forty-five (45), one hundred and twenty-four feet and six inches (124' 6"), to the place of commencement.

CHAPTER 175

**An Act respecting The
Windsor Board of Education and The
Windsor Suburban District High School Board**

*Assented to April 18th, 1962
Session Prorogued April 18th, 1962*

WHEREAS The Board of Education for the City of Windsor and The Windsor Suburban District High School Board by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The Windsor Suburban District High School Board and The Board of Education for the City of Windsor, dated the 15th day of February, 1962, set forth as the Schedule hereto, is declared to be legal, valid and binding upon both boards, and both boards are hereby empowered to carry out all their respective obligations that might arise thereunder.

Agreement
validated

2. The Agreement may be amended by the mutual consent of both boards and only with the approval and consent of the Minister of Education.

Amendment
of Agreement

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Windsor and Suburban Secondary Schools Act, 1961-62*.

Short title

SCHEDULE

THIS AGREEMENT made in duplicate this 15th day of February, 1962.

BETWEEN :

THE WINDSOR SUBURBAN DISTRICT HIGH SCHOOL BOARD,
hereinafter called "the Suburban Board",

OF THE FIRST PART,

— and —

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR,
hereinafter called "the Windsor Board",

OF THE SECOND PART.

WHEREAS by indenture dated the 17th day of June, 1955, the Parties hereto entered into an agreement as to accommodation of secondary school students from the Windsor suburban area in secondary schools of the Windsor Board;

AND WHEREAS there is now need for more accommodation for secondary school students residing in the Township of Sandwich East but the building of a secondary school in such Township is not feasible because of the number involved and the geographical distribution of such students;

AND WHEREAS additions to the W. F. Herman Collegiate Institute (hereinafter called the "Herman Collegiate") located in the City of Windsor near the boundary between the City of Windsor and the Township of Sandwich East would provide a satisfactory solution to the problem;

AND WHEREAS the Windsor Board has consented to the Suburban Board constructing suitable additions to the Herman Collegiate upon the terms and conditions hereinafter contained;

WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained, the Parties hereto mutually agree as follows:—

1. The Suburban Board shall, at its expense, construct and equip additions to the Herman Collegiate in conformity with its present design and construction according to plans and specifications to be submitted by the Suburban Board and approved in writing by the Windsor Board, such additions to consist of a two-storey wing containing at least twelve classrooms, one art room, one laboratory, two washrooms and other usual accommodations and conveniences of a type and quality in conformity with the existing Herman Collegiate, together with one additional industrial arts shop adjacent to the existing one, an enlargement of the cafeteria by adding the adjacent classroom, necessary renovations to the heating plant of the Collegiate to heat the above additions, other necessary additions to and extensions of services in the existing building, sufficient equipment, as specified by the Windsor Board, and lockers, and necessary landscaping; all of which is hereinafter referred to as "the additions" and shall be substantially completed in order for students to be admitted on the first day of school in September, 1962.

2. The additions shall become the property of the Windsor Board which shall control and operate the new facilities and pay for all the operation expenses and maintenance as an integral part of Herman Collegiate.

3. In consideration of the payment for the additions by the Suburban Board, the Suburban Board shall be entitled to the following:—

- (a) guaranteed accommodation in Herman Collegiate for a minimum of thirty students in respect of each classroom or instructional area afforded by such additions which is in excess of the number at this date available in the Herman Collegiate; Provided that if the average number of students per teaching area in the school at its opening in September exceeds thirty, such average number shall be used instead of thirty.
- (b) in respect of the perfect aggregate attendance of 250 students from the suburban area attending secondary schools located in the City of Windsor, the computation of tuition costs payable by the Suburban Board to the Windsor Board under the provisions of the said agreement dated the 17th day of June, 1955, shall not include as part of the total gross current expenditures for the calendar year either capital expenditures out of current funds or payments for principal and interest on debentures in respect of Windsor schools owned by the Windsor Board; provided that for computing costs for the year 1962, this paragraph shall apply only to the perfect aggregate attendance of 250 students during the period between September 1st, 1962 and December 31st, 1962.

4. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors until the 31st day of December, 1982.

5. Both Boards shall co-operate and take the necessary steps to obtain a Private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested by the hands of their proper officers in that behalf.

THE WINDSOR SUBURBAN DISTRICT HIGH SCHOOL BOARD:

FRANCIS MORAND,
Chairman.

W. V. BOUTELLER,
Secretary.

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR:

K. C. HORTOP,
Chairman.

T. C. WHITE,
Secretary.

CHAPTER 176

An Act respecting the Young Men's-Young Women's Christian Association of Cornwall

*Assented to March 30th, 1962
Session Prorogued April 18th, 1962*

WHEREAS the Young Men's-Young Women's Christian Association of Cornwall, herein called the Association, by its petition has prayed for special legislation to exempt its real property, owned and used or occupied and used by it in the City of Cornwall, from municipal taxation, except for local improvements; and whereas it appears that the Association was incorporated on the 6th day of October, 1960, and has acquired certain assets, including those of the incorporated association known as the Young Women's Christian Association of Cornwall and of an unincorporated association known as the Young Men's Christian Association of Cornwall, which associations were not, prior to the 1st day of January, 1961, assessed and taxed by the City of Cornwall, but have since then been assessed and taxed; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Cornwall may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of the Young Men's-Young Women's Christian Association of Cornwall, provided that the land is owned and used or occupied and used solely by and for the purposes of the Association, on such conditions as may be set out in the by-law.

(2) The council may by by-law cancel all arrears of taxes and interest or penalties thereon for the period from the 1st day of January, 1961, until the date this Act comes into force levied by the City of Cornwall in respect of such land, and release the Association and its property from all liability therefor.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Y.M.-Y.W.C.A. of Cornwall Act, 1961-62*.

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